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MUNICIPAL REGISTER

OF THE

CITY OF CHARLESTOWN:

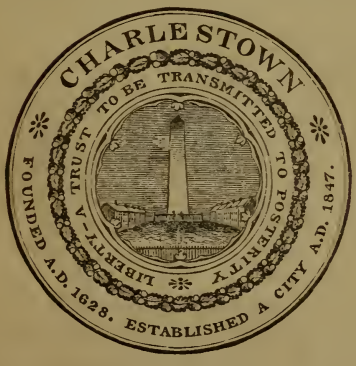
CONTAINING THE

RULES & ORDERS OF THE CITY COUNCIL,

LIST OF CITY OFFICERS,

CHARTER OF THE CITY,

ORDINANCES, &c.



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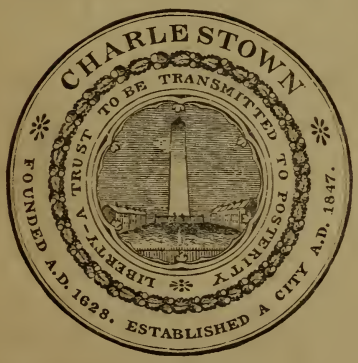

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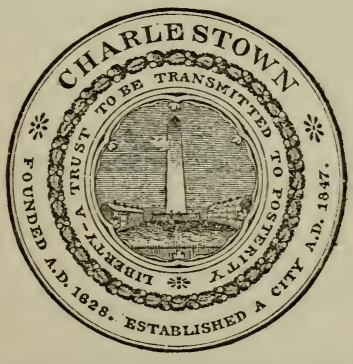

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CITY OF CHARLESTOWN.

JOINT RULES AND ORDERS

OF THE

CITY COUNCIL.

ART. 1. At the commencement of the Municipal year, the following Joint Standing Committees shall be appointed by the presiding officer of each branch; provided, that either branch may determine to choose them by ballot, namely:

1. A Committee on Finance,—to consist of the Mayor, one Alderman, the President and four members of the Common Council.

2. A Committee on Accounts,—to consist of two Aldermen and three members of the Common Council.

3. A Committee on City Property,—to consist of two Aldermen, and three members of the Common Council.

4. A Committee on Public Instruction,—to consist of the Mayor, one Alderman, the President and two members of the Common Council.

5. A Committee on the Alms-House,—to consist of the Mayor, one Alderman, and three members of the Common Council.

6. A Committe on Fuel and Lighting the Streets,—to consist of one Alderman and two members of the Common Council.

7. A Committee on the Fire Department,—to consist of two Aldermen, and three members of the Common Council.

8. A Committee on Repairs of Streets,—to consist of two Aldermen, and three members of the Common Council.

9. A Committee on Drains and Sewers,—to consist of the Mayor, one Alderman, and three members of the Common Council.

10. A Committee on Printing,—to consist of one Alderman, and two members of the Common Council.

11. A Committee on Laying out Streets,—to consist of the Mayor, two Aldermen, and five members of the Common Council.

12. A Committee on Burial Grounds,—to consist of two Aldermen, and three members of the Common Council.

On all Joint Committees, of which it is provided that the Mayor shall be a member, in case of the non-election, decease, inability, or absence of that officer, the chairman of the Board of Aldermen shall act ex-officio.

The member of the Board of Aldermen first named on every Joint Committee, of which the Mayor is not a member, shall be its Chairman; and in case of his resignation or inability, the other members of the same Board, in the order in which they are named, and after them the member of the Common Council first in order, shall call meetings of the Committee, and act as Chairman; and in case, from any reason, any Joint Committee shall not have been assembled within three weeks from the reference of any matter to said Committee, any two members of the Committee shall have power to call meetings of the Committee.

Art. 2. In every case of an amendment of an Ordinance, or Joint Order, or Joint Resolution, agreed to in one Board, and dissented to by the other, a conference may be had at the request of either; and the Committees appointed by the respective Boards, for the purpose, shall meet as soon as convenient, and state to each other the reasons of their respective Boards for and against the amendment, confer freely thereon, and report to their respective Boards.

ART. 3. When either Board shall non-concur in any Ordinance sent from the other, notice thereof shall be given by written message.

ART. 4. Either Board may propose to the other for its concurrence, a time to which both Boards shall adjourn.

ART. 5. All By-Laws passed by the City Council, shall be termed "Ordinances," and the enacting style shall be :— Be it ordained by the City Council of the City of Charlestown.

ART. 6. In all votes, when either or both branches of the City Council express any thing by way of command, the form of expression shall be, "Ordered;" and when either or both branches express opinions, principles, facts or purposes, the form shall be "Resolved."

ART. 7. After the annual order of appropriations shall have been passed, no subsequent expenditures shall be authorized for any object, unless provision for the same shall be made by special transfer from some of the appropriations contained in the annual order, or by expressly creating therefor a City debt; in the latter of which cases, the order shall not be passed, unless two-thirds of the whole number of each branch of the City Council shall vote in the affirmative, by vote taken by yea and nay : provided, that any unappropriated funds in the City Treasury may be appropriated by a joint order of the City Council, after the annual order of appropriations shall have passed.

ART. 8. Joint Standing Committees shall cause records to be kept of their proceedings, in books provided by the City for that purpose. No committee shall act by separate consultations, and no report shall be received unless the subject thereof shall have been considered in Committee actually assembled.

ART. 9. It shall be the duty of every Joint Committee, to whom any subject may be especially referred, to report thereon within one month, or to ask further time.

ART. 10. Ordinary Messages between the two Boards may be transmitted by their respective Messengers; but all messages, proposing or assenting to a convention of the two branches, shall be borne by some member of the Board, to be designated by the chair. All messages of the two Boards shall be reduced to writing by their respective clerks.

ART. 11. All reports and other papers submitted to the City Council, shall be written in a fair hand, and no report or endorsement of any kind shall be made on the Reports, Memorials, or other papers referred to Committees of either branch while in their possession. And the Clerks shall make copies of any papers to be reported by committees, at the request of the respective Chairmen thereof.

ART. 12. No Committee shall enter into any contract with, or purchase, or authorize the purchase of any articles of any of its members.

ART. 13. No Chairman of any Committee shall audit or approve any bill or account against the City, for any supplies or services which shall not have been ordered or authorized by the Committee.

ART. 14. Every Ordinance shall have as many readings in each Board as the Rules thereof shall require; after which, the question shall be on passing the same to be enrolled, and when the same shall have passed to be enrolled, it shall be sent to the other Board for concurrence; and after its passage to be enrolled in concurrence, the same shall be enrolled by the Clerk of the Common Council, and examined by a Committee of that Board; and on being found by said Committee to be truly and correctly enrolled, the same shall be reported to the Common Council, when the question shall be on passing the same to be ordained; after its passage to be ordained, it shall be signed by the President and sent to the other Board, where a like examination shall be made by the Committee on Enrolment of the Board of Mayor and Aldermen, and the same proceeding thereon shall be had as in the

Common Council; and when it shall have passed to be ordained in both branches, it shall be signed by the Mayor.

ART. 15. No enrolled Ordinance shall be amended.

ART. 16. No vote by which a Joint Order or Resolve, or an Ordinance, has been passed in its final stage, shall be reconsidered in either Board, after the same has been finally acted upon in the other Board, unless a motion for re-consideration be made, or notice thereof be given at the same meeting at which the vote to be re-considered passed.

ART. 17. None of the foregoing articles shall be suspended, altered, or repealed, unless by a vote of two-thirds of all the members of each branch.

RULES AND ORDERS

OF THE BOARD OF

MAYOR AND ALDERMEN.

Art. 1. The order of business shall be as follows:

1. The journal of the previous meeting shall be read.

2. Petitions shall next be called for, and shall be disposed by reference or otherwise; and also new business may be introduced by any member of the Board.

3. Such nominations, appointments, and elections as may be in order, shall be considered and disposed of.

4. The orders of the day shall be taken up,—meaning by the orders of the day, the business remaining unfinished at the previous meeting, and such communications as may have been subsequently sent up from the Common Council.

Art. 2. Every Ordinance shall pass through the following stages before it shall be considered as having received the final action of this Board, viz: First Reading, Second Reading, Passage to be Enrolled, Passage to be Ordained; and every joint resolution shall have two several readings before the question shall be taken on its final passage.

Art. 3. An Ordinance may be rejected at either stage in its progress, but shall not pass through all its stages in one day.

Art. 4. Standing Commmittees shall be appointed on the Police of the City, on Licenses, and on Enrolment; each of said Committees to consist of three members.

Art. 5. No member shall be interrupted while speaking, but by a call to order, or for the correction of a mistake; nor

shall there be any conversation among the members while a paper is being read, or a question stated from the Chair.

Art. 6. All Committees shall be appointed and announced by the Mayor, unless the Board shall determine otherwise.

Art. 7. The above rules and orders of business shall be observed in all cases, unless suspended by a vote of two-thirds of the members present, for a specific purpose.

RULES AND ORDERS

OF THE

COMMON COUNCIL.

Rights and Duties of the President.

Art. 1. The President shall take the chair at the hour to which the Council shall have adjourned; shall call the members to order; cause the roll to be called; and, on the appearance of a quorum, shall cause the minutes of the preceding meeting to be read, and proceed to business. In the absence of the President, any member present may call the Council to order, and preside until a President *pro tempore* shall be chosen by ballot. If upon a ballot for President *pro tempore*, no member shall receive a majority of the votes, the Council shall proceed to a second ballot, in which a plurality of votes shall prevail.

Art. 2. He shall preserve decorum and order; he may speak to points of order in preference to other members; and shall decide all questions of order, subject to an appeal to the Council.

Art. 3. He shall declare all votes; but if any member doubt the vote, the President without further debate upon the question, shall require the members voting in the affirmative and negative to rise and stand until they are counted, and he shall declare the result; but no decision shall be declared unless a quorum of the Council shall have voted.

Art. 4. He shall rise to address the Council or to put a question, but may read sitting.

Art. 5. The President may call any member to the chair, provided such substitution shall not continue longer than one meeting. When the Council shall determine to go into Committee of the whole, the President shall appoint the member who shall take the chair. The President may express his opinion on any subject under debate; but in such case he shall leave the chair, and appoint some other member to take it. But the President may state facts, and give his opinion on questions of order, without leaving his place.

Art. 6. On all questions and motions, the President shall take the sense of the Council by yeas and nays, provided any two members present shall so require.

Art. 7. In all cases the President may vote.

Art 8. He shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except that in naming sums and affixing times, the largest sum and longest time shall be put first.

Art. 9. After a motion has been made and stated by the President, it shall be disposed of by vote of the Council, unless the mover withdraw it before a decision or amendment.

Art. 10. When a question is under debate, the President shall receive no motion, but to adjourn—to lay on the table—the previous question—to postpone to a day certain—to commit—to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged, and the first three shall be decided without debate.

Art. 11. The previous question shall be in this form: "*Shall the main question be now put?*" It shall only be admitted when demanded by a majority of the members present, and it shall put an end to all debate, and shall bring the Council to a direct vote upon amendments reported by a Committee, if any, then upon pending amendments, and then upon the main question.

Art. 12. All incidental questions of order arising after a motion has been made for the previous question, shall be decided without debate, except an appeal, and on such appeal no member shall be allowed to speak more than once without leave of the Council.

Art. 13. When two or more members happen to rise at once, the President shall name the member who is first to speak.

Art. 14. All Committees shall be appointed and announced by the President, except such as the Council may determine to elect by ballot.

Rights and Duties of Members.

Art. 15. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise in his place and respectfully address the presiding officer; shall confine himself to the question under debate, and avoid personality. He shall sit down as soon as he has done speaking. No member shall speak out of his place without leave of the President.

Art. 16. No member in debate shall mention another member by his name; but may describe him by the ward he represents or by such other designation as may be intelligible and respectful.

Art. 17. No member while speaking shall be interrupted by another, but by rising to call to order. If any member in speaking or otherwise, transgress the rules of the Council, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Council shall, if appealed to, decide on the case, but without debate. If the decision be against the member, he shall not be permitted to proceed without leave of the Council; and if the case require it he shall be liable to the censure of the Council, or he may be expelled.

Art. 18. No member shall speak more than twice to the same question without leave of the Council; nor more than once until all other members choosing to speak, shall have spoken.

Art. 19. Every motion shall be reduced to writing if the President direct, or if any member of the Council request it.

Art. 20. When a vote has passed, it shall be in order for any member of the majority to move for a re-consideration thereof at the same or succeeding meeting; but if the motion to re-consider be not made till the next meeting, the subject shall not be re-considered unless a majority of the whole Council shall vote therefor. And no more than *one* motion for the re-consideration of any vote shall be permitted.

Art. 21. No member shall be permitted to stand up, to the interruption of another, whilst any member is speaking, or to pass unnecessarily between the President and the person speaking.

Art. 22. Every member who shall be in the Council when a question is put, shall vote, unless, for special reasons he be excused.

Art. 23. The division of a question may be called for, when the sense will admit of it.

Art. 24. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Council.

Art. 25. No standing rule or order of the Council shall be suspended unless three-fourths of the members present shall consent thereto; nor shall any rule or order be repealed or amended, without one day's notice being given of the motion therefor, nor unless a majority of the whole Council shall concur therein.

Art. 26. Every member shall take notice of the day and hour to which the Council may stand adjourned, and shall give his punctual attendance accordingly.

Art. 27. No member shall be obliged to be on more than two Committees at the same time, nor to be Chairman of more than one.

Communications, Committees, Reports, and Resolutions.

Art. 28. All memorials and other papers addressed to the Council shall be presented by the President, or by a member in his place, who shall explain the subject thereof, and they shall lie on the table, to be taken up in the order in which they are presented, unless the Council shall otherwise direct.

Art. 29. Standing Committees of the Council shall be appointed on the following subjects, viz: on Elections and Returns, and on Enrolled Ordinances and Resolutions, each to consist of three members.

Art. 30. No Committee shall sit, during the sitting of the Council, without special leave.

Art. 31. The rules of proceeding in Council shall be observed in Committee of the Whole, so far as they may be applicable, excepting the rules limiting the times of speaking; but no member shall speak twice to any question, until every member choosing to speak, shall have spoken.

Art. 32. When Committees of the Council chosen by ballot, or Committees consisting of one or more members from each ward, have been appointed or elected, whether joint or otherwise, the first meeting thereof shall be notified by the Clerk, by direction of the President; and they shall organize by the choice of Chairman, and report to the Council; and when Committees, other than as above specified, are nominated by the President, the person first named shall be Chairman, and in case of the absence of the Chairman, the Committee shall have power to appoint a Chairman, *pro tempore.*

Art. 33. All messages to the Mayor and Aldermen, shall be drawn up by the Clerk and sent by the Messenger.

Art. 34. All ordinances, resolutions, and orders shall have two several readings before they shall be finally passed by the Council; and all ordinances after being so passed, shall be enrolled.

Art. 35. No ordinance, order or resolution imposing penalties or authorizing the expenditure of money shall have more than one reading on the same day.

Art. 36. The seats of the members of the Council shall be numbered and determined by lot; and no member shall change his seat without permission of the President.

Art. 37. All special committees, unless otherwise ordered, shall consist of three members—and no report shall be received from any committee unless the subject thereof shall have been considered in committee assembled.

Art. 38. The Clerk shall keep brief minutes of the votes and proceedings of the Council,—entering on the journal all accepted orders and resolutions;—shall notice reports, memorials, and other papers submitted to the Council, only by their titles or by a brief description of their purport; but all accepted reports from special committees of this board, shall be entered at length, in a separate journal to be kept for that purpose, and provided with an index. He shall also record the names of the members present at the calling of the roll, together with the whole number of members present at every meeting of the Council.

Art. 39. All salary officers shall be voted for by written ballot.

Art. 40. It shall be the duty of all standing committees of the Council, to keep records of all their doings, in books provided for that purpose by the Clerk; and it shall be the duty of the Clerk to attend the meetings of said Committees, and make said records when requested so to do.

ART. 41. No meeting of any committee shall be called upon less notice than twenty-four hours.

ART. 42. In all elections by ballot on the part of the Council, blank ballots, and all ballots for persons not eligible, shall be reported to the Council, but shall not be counted in making up returns, except in cases where the Council have only a negative upon nominations made by the Mayor and Aldermen.

ART. 43. It shall be the duty of every committee of the Council to whom any subject may be specially referred, to report thereon within four weeks from the time said subject is referred to them, or to ask for further time.

GOVERNMENT

OF THE

CITY OF CHARLESTOWN.

1850.

MAYOR,

GEORGE WASHINGTON WARREN.

ALDERMEN,

Ward No. 1.

EBENEZER BARKER, JOHN L. TAGGARD.

Ward No. 2.

PHILANDER S. BRIGGS, GEORGE H. JACOBS.

Ward No. 3.

GEORGE JOHNSON, BENJAMIN PHIPPS.

CITY CLERK,

ABRAHAM B. SHEDD.

MESSENGER TO THE BOARD.

NATHANIEL PRATT.

COMMON COUNCIL,

HENRY P. FAIRFANKS, *President.*

Ward No. 1.

EDWIN BRADLEY, THOMAS F. HOLDEN,
AMOS BROWN, JOTHAM JOHNSON, Jr.
HENRY P. FAIRBANKS, GEORGE P. SANGER.

Ward No. 2.

WILLIAM D. BUTTS, PHINEHAS J. STONE,
JESSE GAY, ERDIX T. SWIFT,
DANIEL JOHNSON, AURA S. TUTTLE.

Ward No. 3.

CALEB H. S. ARNOLD, ELIAS CRAFTS, JR.
ELIJAH BIGELOW, THOMAS W. HOOPER,
OTIS CLAPP, SOLOMON G. PHIPPS.

Clerk of Common Council,

GUSTAVUS V. HALL.

Messenger to Common Council,

JACOB D. GOULD.

Auditor of Accounts,

ABRAHAM B. SHEDD.

Treasurer and Collector,

AMOS STONE.

Assessors of Taxes and Censors,

James Adams, Thomas Greenleaf,
Joseph F. Tufts.

Overseers of the Poor,

G. Washington Warren, *Chairman, ex-officio.*
Thomas Greenleaf, *Secretary and Agent.*

Ward No. 1.

Alfred Carleton, Joseph Souther,

Ward No. 2.

Thomas Greenleaf, William Sawyer,

Ward No. 3.

Hermon Hutchinson, Samuel S. Reynolds.

SCHOOL COMMITTEE,

HENRY LYON, *President.*
C. SOULE CARTEE, *Secretary.*
WILLIAM TUFTS, *Treasurer.*

CHOSEN AT LARGE,

HENRY K. FROTHINGHAM, CHARLES W. MOORE,
C. SOULE CARTEE, GEORGE CUTLER,
HENRY LYON.

CHOSEN FROM WARDS.

WARD 1.

William Tufts, George P. Sanger,

WARD 2.

William Sawyer, James G. Fuller,

WARD 3.

Isaac W. Blanchard, Andrew K. Hunt.

JOINT STANDING COMMITTEES
OF THE CITY COUNCIL.

On Finance.

The Mayor and Alderman Briggs, and the President and Messrs. Johnson of Ward 2, Holden, Hooper and Bigelow.

On Accounts.

Aldermen Jacobs and Phipps, and Messrs. Bradley, Swift and Arnold.

On City Property.

Aldermen Briggs and Johnson, and Messrs. Stone, Johnson of Ward 1, and Clapp.

On Public Instruction.

The Mayor and Alderman Johnson, and the President and Messrs. Holden and Bigelow.

On the Alms House.

The Mayor and Alderman Phipps, and Messrs. Johnson of Ward 1, Stone and Crafts.

On Fuel and Lighting the Streets.

Alderman Taggard, and Messrs. Gay and Clapp.

On the Fire Department.

Aldermen Johnson and Jacobs, and Messrs. Arnold, Tuttle and Brown.

On Repairs of Streets.

Aldermen Barker and Johnson, and Messrs. Clapp, Swift and Brown.

On Drains and Sewers.

The Mayor and Alderman Barker, and Messrs. Phipps, Butts and Bradley.

On Printing.

Alderman Phipps, and Messrs. Sanger and Butts.

On Laying out Streets.

The Mayor and Aldermen Briggs and Jacobs, and Messrs. Sanger, Tuttle, Gay, Hooper and Phipps.

On Burial Grounds.

Aldermen Taggard and Johnson, and Messrs. Swift, Crafts, and Johnson of Ward 2.

STANDING COMMITTEES

OF MAYOR AND ALDERMEN.

On Police.

The Mayor and Aldermen Barker and Briggs.

On Licenses.

Aldermen Barker, Taggard and Phipps.

On Enrollment.

Aldermen Taggard, Briggs and Johnson.

Committee of the Board of Health.

Aldermen Jacobs, Taggard and Johnson.

On Notices of Intention to Build.

The Mayor and Alderman Barker.

STANDING COMMITTEES
OF THE COMMON COUNCIL.

On Elections and Returns.

Messrs. Swift, Sanger and Crafts.

On Enrolled Ordinances and Resolutions.

Messrs. Phipps, Johnson of Ward 2, and Holden.

FIRE DEPARTMENT.

ENGINEERS.

Henry Conn, *Chief Engineer.*
James M. Gardiner, *First Assistant.*
Stephen P. Kelley, *Second Assistant.*
Robert Todd, *Third Assistant.*

ENGINES.

Hancock No. 1. - - - George Hager, Foreman.
Bunker-Hill No. 2. - John Howard, "
Howard No. 3. - - - Wm. H. Caswell, "
Warren No. 4. - - - James Poor, "
Washington No. 5. - Benjamin Tyler, "
Franklin No. 7. - - Henry P. Gardiner, "

Harvard Hook & Ladder Co., Nahum Chapin, Foreman.

Warren Hose Co., J. Harley, Foreman.

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Forty-Seven.

AN ACT TO ESTABLISH THE

CITY OF CHARLESTOWN.

[Where a (*) occurs, the Section has been amended, for which amendment see Acts which follow the Charter.]

BE IT ENACTED by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The inhabitants of the town of Charlestown, shall continue to be a body politic and corporate, under the name of the City of Charlestown, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a municipal corporation.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be called the board of aldermen; and one council of eighteen, to be called the common council; which boards in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either shall receive any compensation for his services.

SECT. 3. It shall be the duty of the selectmen of the town of Charlestown, as soon as may be, after the passage of this act, and its acceptance by the inhabitants as hereinafter provided, to divide said town into three wards, as nearly equal

in number of inhabitants as may be consistent with convenience in other respects. And it shall be the duty of the city council, once in five years, to revise, and if it be needful to alter such wards in such manner, as to preserve as nearly as may be, an equal number of voters in each ward.

Sect. 4.* On the second Monday in March, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall hold their offices for one year from the first Monday in April following said second Monday in March, and until others shall have been chosen in their place. And it shall be the duty of such warden, to preside at all ward meetings, with the powers of moderator of town meetings. And if at any meeting the warden shall not be present, the clerk of such ward shall call the meeting to order and preside, until a warden pro tempore shall be chosen by ballot. And if at any meeting the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successors in office, all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties, relative to elections, which oath may be administered by the clerk of such ward, to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Middlesex. And all warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may by any by-law direct.

Sect. 5.* The mayor and six aldermen, two aldermen to selected from each ward, shall be elected by the inhabitants of the city, at large, voting in their respective wards, and six common councilmen shall be elected from and by each ward, being residents of the wards in which they are elected; all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April; and the mayor, until another shall be elected and qualified in his place.

Sect. 6.* On the second Monday in March, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, warden, clerk and inspectors, as provided in the preceding section; and all the votes so given, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length. The clerk of the ward within twenty-fours after such election, shall deliver to the persons elected warden, clerk and inspectors and members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election certified in like manner; provided however, that if the choice of warden, clerk, inspectors or common councilmen cannot be conveniently effected on that day, the meeting may be adjourned from time to time to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are herein before described,

for the choice of mayor, and repeated from time to time until a mayor is chosen. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council in convention, to order by vote, an entry of that fact to be made in their records, and then to elect a mayor for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed. And, if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are herein before directed for choice of mayor. And each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Middlesex. The aldermen and common councilmen elect, shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act, shall be administered to the members of the two boards present by the mayor, or by any justice of the peace for the county of Middlesex, and a certificate of such oath having been taken, shall be entered on the journal of the mayor and aldermen and of the common council, by their respective clerks. And whenever it shall appear that no mayor has been elected previously to the said first Monday in April, the mayor and aldermen for the time being, shall make a record of that fact; an attested copy of which, the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a President and Clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties. In case of the absence of the mayor elect, on the first Monday in April, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner

as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches. In the absence of the mayor, the board of aldermen may choose a chairman pro tempore, who shall preside at joint meetings of the two boards. Each board shall keep a record of its own proceeding, and judge of the elections of its own members; and in failure of election, or in cases of vacancy, declared by either board, the mayor and aldermen shall order a new election.

Sect. 7. The mayor, thus chosen and qualified, shall be the chief executive officer of the city. It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council,or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information and recommend such measures, as in his opinion the interests of the city may require; he shall preside in the board of aldermen and in convention of the two branches, but shall have only a casting vote. The salary of mayor for the first year in which this charter shall take effect, shall be five hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen, and he shall have no other compensation; provided, however, that the city council shall have power to appoint the mayor commissioner of highways, when in their opinion such an officer is necessary, and allow him a suitable compensation therefor.

Sect. 8. The executive power of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Charlestown, shall be vested in

the mayor and aldermen, as fully as if the same were herein specially enumerated. And all other powers now vested in the inhabitants of said town, as a municipal corporation, and all powers granted by this act, not herein otherwise provided for, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure. And the mayor and aldermen may require any person appointed a constable of the city, to give bonds with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. And the mayor and aldermen shall have the same power to grant licenses to inn-holders, victuallers and retailers, within the city, which is posessed by the mayor and aldermen of the city of Boston. The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer and collector of taxes, engineers of the fire department, a city clerk, three assessors of taxes, and fix their compensations. They shall also, in such manner as they shall determine, appoint or elect all other subordinate officers, not herein otherwise directed, define their duties and fix their compensations. All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business. The city council shall take care that no moneys be paid from the treasury unless granted or appropriated; shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties, from all persons trusted with the receipt, custody or disbursement of money; shall have the

care and superintendence of the city buildings, with the power to let, or to sell, what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgement, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Sect. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen; provided, however, that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Sect. 10. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers by law incumbent upon, or vested in, the town clerk of the town of Charlestown. He shall be chosen for one year, and until another shall be chosen and qualified in his place, but may be at any time removed by the city council.

Sect. 11.* The citizens, at their respective annual ward meetings for the choice of officers, shall elect by ballot two persons in each ward to be overseers of the poor, and the persons thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers and be subject to all the duties now by law appertaining to the overseers of the poor for the town of Charlestown. And the citizens shall at the same time, and in the same manner, elect five persons from the city at large, and

two persons from each ward to be members of the school committee, and the persons thus chosen shall constitute the school committee, and have the care and superintendence of the public schools; and said school committee shall have all the powers and privileges, and be subject to all the liabilities, set forth in an act passed by the Legislature of Massachusetts in the year of our Lord one thousand seven hundred and ninety-three, entitled an act to incorporate certain persons by the name of the Trustees of Charlestown Free Schools, and all acts in addition thereto. And the persons chosen by the city council as assessors, shall constitute the Board of Assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns. All taxes shall be assessed, apportioned and collected in the manner prescribed by law relative to town taxes; provided however, that it shall be lawful for the city council to establish further additional provisions for the collection thereof. Should there fail to be a choice of overseers of the poor, or members of the school committee, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the Senate of this Commonwealth.

Sect. 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby, but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. And any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the County Commissioners of the county of Middlesex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this commonwealth in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

Sect. 13. All power and authority now by law vested in the board of health for the town of Charlestown, or in the selectmen of said town, shall be transferred to and vested in the city council, to be carried into execution in such manner as the city council shall deem expedient.

Sect. 14. The city council shall have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer. And the city council may make by-laws with suitable penalties for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

Sect. 15. It shall be the duty of the city council, annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Sect. 16. All elections for County, State and United States officers who are voted for by the people, shall be held at meetings of the citizens, qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes, given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such election, to be signed by

the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the commonwealth.

Sect. 17. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which the selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and list, and be entitled to the assistance of all assessors, assistant assessors and city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

Sect. 18. General meetings of the citizens qualified to vote, may, from time to time, be held to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

Sect. 19. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Charlestown, for the time being, shall, on some day during the months of March or April of the present year, issue their warrants seven days at least previous to the day appointed, calling meetings of the said citizens at such place and hour as they may deem expedient, for the purpose of choosing a

warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and said selectmen shall appoint for this first meeting a warden, clerk and three inspectors of elections for each ward, which officers shall be sworn to the faithful discharge of their duties, and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward, at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof in the manner herein before directed, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when appointed, to be used as herein before directed. And the selectmen shall appoint such time for the first meeting of the city council, as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, not later than the first Monday in May, in the year one thousand eight hundred and forty-seven, and shall also fix upon the place and the hour of said first meeting, and a written notice thereof shall be sent by said selectmen, to the place of abode of each of the city officers chosen, as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act. And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

And at the meetings to be called as prescribed in this section for the choice of ward and city officers, the said inhabitants may, and shall also, give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the sixteenth section of this act.

Sect. 20. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this commonwealth, have power to make and establish, and and to annex penalties not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority whatever; provided, however, that all laws and regulations now in force in the town of Charlestown, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law, or ordinance, shall be paid into the city treasury.

Sect. 21. The annual town meeting for the town of Charlestown, which by law is to be held in the month of March, is hereby suspended, and all town officers now in office, shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

Sect. 22. All officers of the town of Charlestown, having the care and custody of the records, papers, or property belonging to said town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office.

Sect. 23. All such acts and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Sect. 24. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Sect. 25. This act shall be void, unless the inhabitants of the town of Charlestown, at a legal town meeting, called for that purpose, shall, by a vote of a majority of the voters present and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage, at which meeting the polls shall be kept open not less than six hours, and the presiding officer, in receiving said ballots, shall use the check lists, in the same manner as they are used in elections.

Sect. 26. This act shall go into operation from and after its passage.

House of Representatives, February 20th, 1847.
Passed to be enacted:

Eben. Bradbury, Speaker.

In Senate, February 22, 1847.
Passed to be enacted:

W. B. Calhoun, President.

February 22d, 1847.
Approved: GEO. N. BRIGGS.

Secretary's Office, February 25th, 1847.

I certify the within to be a true copy of the original Act.

John G. Palfrey,
Secretary of the Commonwealth.

Commonwealth of Massachusetts.

In the year One Thousand Eight Hundred and Forty-Seven.

An Act to amend "An Act to establish the City of Charlestown."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. The qualified voters of each Ward, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, two persons, who shall be residents of the ward for which they are elected, to be overseers of the poor; and the mayor, together with the persons thus chosen, shall constitute the Board of Overseers of the Poor. And at the same time, and in the same manner, the qualified voters of the city shall elect five persons from the city at large, and the qualified voters of each ward shall elect two persons, who shall be residents of the ward for which they are elected, to be members of the school committee, and the eleven persons thus chosen shall constitute the School Committee.

Sect. 2. The elections of overseers of the poor and school committee, made on the fifth and nineteenth days of April, in the year one thousand eight hundred and forty-seven, under the provisions of the Act to establish the City of Charlestown, passed on the twenty-second day of February, in the year one thousand eight hundred and forty-seven, are hereby confirmed.

SECT. 3. Such parts of the eleventh section of said act, as are inconsistent herewith, are hereby repealed.

SECT. 4. This act shall take effect from and after its passage.

House of Representatives, April 24, 1847.

Passed to be enacted:

EBEN. BRADBURY, Speaker.

In Senate, April 24th, 1847.

Passed to be enacted:

W. B. CALHOUN, President.

April 24th, 1847.

Approved: GEO. N. BRIGGS.

Secretary's Office, April 24th, 1847.

I certify the foregoing to be a true copy of the original act.

JOHN G. PALFREY, Secretary.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Nine.

An Act in addition to an "Act to establish the City of Charlestown."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Section 1. The election of mayor, aldermen, common councilmen, school committee, and overseers of the poor, and such other officers of the city of Charlestown, as are now by law to be chosen on the second Monday in March, annually, shall, after the present year, be made on the second Monday in December, annually; and the officers so chosen shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections as is provided in and by the act to which this act is an addition; and the officers chosen for the municipal year commencing with the first Monday of April, for the present year, shall hold their offices until the first Monday of January ensuing.

Sect. 2. The officers chosen under and by virtue of this act, shall enter on the duties of their respective offices on the first Monday in January in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers to which the said officers are respectively subject or entitled under and by virtue of the act to which this is an addition.

Sect. 3. On the second Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, overseers of the poor, warden, clerk and inspectors, as provided in the act to which this is an addition, as amended by the act to amend the same, passed on the twenty-fourth day of April, in the year Eighteen Hundred and Forty-Seven.

Sect. 4. This act shall be void unless the citizens of Charlestown, at the meetings of their several wards duly warned by public notice of at least fourteen days by the mayor and aldermen, shall within sixty days from the passing hereof, by written votes accept the same, at which meetings the polls shall be kept open not less than six hours; and the wardens shall not receive any vote unless the name of the voter shall be first found and checked on the check-lists, by the inspectors, as provided in elections of state and city officers.

Sect. 5. All the provisions of former acts so far as they are inconsistent with the provisions of this act, are hereby repealed.

Sect. 6. This act shall take effect from and after its passage.

House of Representatives, March 6th, 1849.
Passed to be enacted:

Francis B. Crowninshield, Speaker.

In Senate, March 7th, 1849.
Passed to be enacted,

Joseph Bell, President.

March 7th, 1849, Approved,
GEO. N. BRIGGS.

Secretary's Office, Boston, March 8th, 1849.
I certify the foregoing to be a true copy of the original act.

W. B. Calhoun,
Secretary of the Commonwealth.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty.

An Act in further addition to "An Act to establish the City of Charlestown."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Section 1. The several acts concerning the city of Charlestown, are hereby amended as follows: The board of Aldermen shall hold their offices until the first Monday of January in each year, and until a majority of the new board shall be elected and qualified. And whenever it shall appear that a majority of the new board has not been elected, previously to the said first Monday in January, a record of the fact shall be made by the Mayor and Aldermen for the time being, and an attested copy thereof shall be read by the city clerk, at the opening of the convention to be held on that day, as is now provided in the case of no election of mayor.

Sect. 2. The wardens, ward clerks and inspectors, shall also hold their offices until their respective successors are qualified. And in case of the resignation of any of those officers, or of the refusal of any one elected to accept such office, or of a vacancy occasioned by removal, or otherwise, and, on the same being duly notified to their ward, the vacancy may be filled at any ward meeting.

Sect. 3. In case of the temporary absence of both the warden and the ward clerk, one of the Inspectors shall preside until a warden is chosen, pro tempore. Such warden may be qualified by the presiding inspector, and he may also qualify the ward clerk, when chosen pro tempore. In case of the temporary absence of the inspectors, or any of them, inspectors may be chosen pro tempore, who may be qualified by the presiding warden. And the choice of any of these officers, pro tempore, may be made by nomination, and by hand-vote, if the voters present so determine.

Sect. 4. In case of the failure of an election of any of the overseers of the poor, or of the school committee, new trials shall be had until the elections are completed; and for this purpose ward meetings may be adjourned from day to day.

Sect. 5. The mayor and aldermen, for the time being, shall be the judges of the returns, and of the elections of the overseers of the poor, and of the school committee, and shall cause the persons ascertained by them to be elected, to be notified of their election; and, on being notified of any vacancy in either of said boards, they may issue their warrants for a new election.

Sect. 6. After the present municipal year, the school committee shall consist of thirteen members, as follows: the mayor, who shall be, ex-officio, president, and twelve others, four to be chosen from and by each ward.

Sect. 7. No board, or committee of the city council, or of either branch thereof, shall make any contracts on behalf of, and binding upon said city, the amount of which contracts shall exceed the specific appropriations of the city council, previously made therefor.

Sect. 8. No member of the board of Aldermen, or of the common council, shall hold any office in the city, the salary of which is payable out of the city treasury.

Sect. 9. All portions of former acts, in relation to said city, which are inconsistent with the provisions of this act, are hereby repealed.

Sect. 10. This act shall not go into operation until a majority of the citizens voting thereon, by yea and nay, and by ballot, shall accept the same, at ward meetings duly notified for the purpose, at which meetings the polls shall be kept open at least six hours, and the check lists shall be used, as at the elections of state and city officers. And if this act shall be so accepted, it shall take effect from and after its acceptance, as aforesaid.

House of Representatives, March 20th, 1850.
Passed to be enacted:
Ensign H. Kellogg, Speaker.

In Senate, March 21st, 1850.
Passed to be enacted:
Marshall P. Wilder, President.

March 21st, 1850, Approved:
GEO. N. BRIGGS.

Secretary's Office, Boston, March 25, 1850.
I certify the foregoing to be a true copy of the original Act.
W. B. Calhoun,
Secretary of the Commonwealth.

CITY ORDINANCES.

(No. 1.)

An Ordinance directing the form of Warrants, and the manner of serving, executing and returning the same.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

SECTION 1. The form of warrants for calling meetings of the citizens of the several Wards shall be as follows, to wit:

CITY OF CHARLESTOWN.

To either Constable of the City of Charlestown,..Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby required, forthwith, to warn the citizens of Ward No. —, qualified to vote as the law directs, to assemble at ————, on ——— the —— day of ———, at nine o'clock, in the forenoon, then and there to give in their ballots for ————.

Hereof fail not, and have you there this Warrant with your doings thereon.

SEAL.

Witness, ————, Mayor of our said city of Charlestown, on this —— day of ———, in the year of our Lord one thousand eight hundred and ——.

By order of the Mayor and Aldermen,

————, City Clerk.

Sect. 2. The form of Warrants for calling general meetings of the citizens qualified to vote, shall be as follows, to wit:

CITY OF CHARLESTOWN.

To the Constables of the City of Charlestown,..Greeting:

In the name of the Commonwealth of Massachusetts, you are hereby required, forthwith, to warn the citizens of Charlestown, qualified to vote as the law directs, to assemble in general meeting at City Hall, on ——— the ———day of ——— at —— o'clock, —. M., then and there to ———

Hereof fail not, and have you there this Warrant with your doings thereon.

SEAL.

Witness, ———— Mayor of our City of Charlestown, on this ———day of —— in the year of our Lord one thousand eight hundred and ———.

By order of the Mayor and Aldermen,

———— City Clerk.

Sect. 3. All Warrants, whether for calling general meetings or for calling meetings of the citizens of the several wards, shall be issued by the Mayor and Aldermen, seven days at least before the time for holding the same; they shall be signed by the City Clerk, and shall be served by either Constable of the City, by leaving a copy thereof at the residence of each Citizen qualified to vote at the meetings called thereby, and by posting a copy thereof near the place of said meeting. And the Constable to whom any Warrant shall be delivered for service, shall seasonably return the same with his doings thereon, to the Mayor and Aldermen, if it be for calling a general meeting; otherwise, to the Warden of the Ward named therein.

Sect. 4. * For the election of all officers, except Warden, Clerk and Inspectors, the polls shall be opened at nine o'clock in the morning, and closed at four o'clock in the afternoon.

Passed, May 10, 1847.

(No. 2.)

An Ordinance concerning the Ordinances of the City; the Orders of the Mayor and Aldermen; and the printed documents of either Branch.

Be it ordained, by the City Council of the City of Charlestown, as follows:

Sect. 1. All Ordinances which shall be passed by the Mayor and Aldermen, and by the Common Council of said city, shall be engrossed or recorded, by the City Clerk, in a fair and legible hand, without interliniation, or erasure, and in the order in which they shall be passed, in a book to be kept for that purpose, made of strong linen paper, with proper margins and index, and strongly bound, to be lettered "Record of Ordinances of the City of Charlestown," which book shall be preserved in the office of the City Clerk, subject to the inspection of the citizens.

Sect. 2. All said Ordinances and also any Order of the City Council, which the Mayor may deem advisable, shall be published and promulgated, by causing the same to be inserted three weeks successively in one or more newspapers printed and published in the City; and the Mayor may, in his discretion, cause any Ordinance or Order to be printed and distributed by the Marshal or Constables, among the Citizens.

Sect. 3. All reports and other documents, which may be ordered by either branch to be printed, shall, under the direction of the joint standing committee, be printed on good paper and in a uniform manner; and in addition to the number, which may be orderd by either branch, there shall always be printed fifty extra copies of each report and document so ordered to be printed, forty of which may be sent by the Mayor, with a printed copy of this section, to the Mayors of such other Cities, and to such other public institutions as he may designate. All documents, which may be sent to the Mayor in exchange therefor, shall be by him preserved for the use of the City, and they shall from time to time be arranged, bound,

and lettered under his direction, in a suitable manner, and shall always remain in the room of the Mayor and Aldermen; and the remaining ten copies shall be retained in the possession of the City Clerk, who shall, at the end of each year, cause the same to be bound and lettered in a uniform style, and, when bound, one series shall be deposited in each of the following rooms, namely:—of the Mayor and Aldermen, of the Common Council, of the School Committee, of the Overseers of the Poor, of the Engineers of the Fire Department, of the Assessors, of the Treasurer, and the remainder shall be safely kept by the City Clerk.

Passed, May 24, 1847.

The above Ordinance shall hereafter be entitled "An Ordinance concerning the Ordinances and Orders of the City Council, and the printed documents of either Branch."

Passed, July 7, 1848.

(No. 3.)

An Ordinance prescribing the mode of appointing certain City Officers.

Be it ordained by the City Council of the City of Charlestown, as follows:

The Mayor and Aldermen of the said city are hereby authorized to appoint for the current and every succeeding municipal year, the following city officers, to wit:—Field Drivers, Fence Viewers, Health Officers, Fish Officers, Sealer of Weights and Measures, Surveyors of Lumber, Measurers of Wood and Bark, Hay Weighers, Sealers of Leather and Coal Baskets, Pound Keepers, and such other officers as may be necessary or convenient to the public, unless some other provision for the time being shall be made by the City Council.

Passed, May 31, 1847.

(No. 4.)

An Ordinance establishing the office of Superintendent of Streets and Public Buildings, and prescribing his duties.

Be it ordained by the City Council of the City of Charlestown, as follows.

Sect. 1. There shall be chosen, at the commencement of each municipal year, by the City Council in convention, and by ballot, an able and discreet person, to be styled the Superintendent of Streets and Public Buildings, who shall hold his office at the pleasure of the City Council, and shall receive such compensation as said Council shall determine; whenever said office shall become vacant by death, resignation, or otherwise, a successor shall be appointed in the manner herein prescribed.

Sect. 2. The said Superintendent, shall, under the direction and control of the Mayor and Aldermen, have the general care and charge of the highways, streets, lanes, sidewalks and bridges of the City: and shall attend to the making, improving, and alteration thereof, and shall cause the same to be kept in good repair, so as to be safe and convenient for travellers, with their horses, teams and carriages, and for foot passengers, at all seasons of the year. He shall superintend the building and repairing of the drains and common sewers of the City, and the entering of the same by private drains. He shall see that the highways, streets and squares are kept in good order; that they are swept as often as may be requisite for their cleanliness, and that all nuisances and obstructions therein, are forthwith removed, or give notice thereof to the Mayor or Marshal. He shall also see that the exterior of the buildings belonging to the City, also the fences and grounds appertaining to the same, and the square and public commons, under the direction of the Standing Committee on the same, are kept in good order and not defaced in any way; and also, that the trees, which now are, or may be hereafter, set out in the streets, or on the public

grounds, are properly protected by posts and strips of wood securely and neatly placed, and that said trees be pruned or trimmed when necessary, and otherwise taken care of, and that they be replaced by other trees when necessary. He may, under the direction of the Mayor, make all necessary contracts for the supply of any labor, or materials, which he may require in the discharge of his official duty; and he shall also perform such further duties as may be required by any future Ordinance of the City Council.

Sect. 3. The said Superintendent shall, on the morning of the first Monday of every month, present to the Mayor a report in writing, stating minutely all his doings during the preceding month; the sums of money by him expended; the contracts made, and the laborers by him employed, and describing the actual condition of the streets and public buildings at the date of said report. He shall also give information thereon, at any other time, when required by the Mayor or by the Board of Aldermen.

Sect. 4. Whenever any highway, bridge, or street of the City, shall, from want of necessary repair, or by reason of any alteration or repair thereof being made, or for any other cause, be unsafe or inconvenient for travellers or passengers, the said Superintendent shall forthwith put up a suitable fence across such highway, street, or bridge, and exclude all travellers from passing the same; or cause such parts thereof, as are unsafe or inconvenient, to be enclosed by a sufficient fence; and he shall also fix one or more lighted lanterns about the place, to be there kept every night during twilight and dark, so long as said fence shall be kept standing.

Sect. 5. The said Superintendent shall have the general care and control of the teams and carts which may be furnished by the Overseers of the Poor, and may make any arrangement with said Overseers, for a supply of labor and materials for the City, which the interest thereof may require.

Passed, May 31, 1847.

(No. 5.)

An Ordinance for the Regulation of Hackney Carriages, Cabs, and other Carriages, within the City of Charlestown.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. No owner or driver of any Hackney Carriage, Cab, or other Carriage, shall place such Hackney Carriage, Cab, or other Carriage, in any public street, lane, avenue, court, place or square, within the City, to stand there to be employed, unless such owner shall first obtain the consent of the Mayor and Aldermen of the City, so to place them.

Sect. 2. Whoever shall offend against the provisions of this Ordinance, shall forfeit and pay, for each offence, a sum not less than one dollar nor more than ten dollars, to be recovered by complaint before any Justice of Peace for the County of Middlesex.

Passed, June 21, 1847.

(No. 6.)

An Ordinance to establish a Board of Health.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. All power and authority heretofore vested in the Board of Health of the Town of Charlestown, shall remain in, and be exercised by, the Board of Mayor and Aldermen, who shall make such regulations, and may affix such penalties for the breach thereof, as they may from time to time deem expedient, provided that the rules and regulations of the late Board of Health shall be in force, until others shall be duly made and published by the Mayor and Aldermen.

Sect. 2. Whenever any emergency shall happen likely to endanger the public health, or any contagious disease break out, requiring immediate action, there being no order in force

to meet the case, the Mayor, by the advice of any three of the Aldermen, may give such written directions in the premises as may be deemed necessary, which directions shall have the force of law for the time being, but the same shall be reported at the next regular meeting of the Board of Mayor and Aldermen, and may be by them repealed or amended.

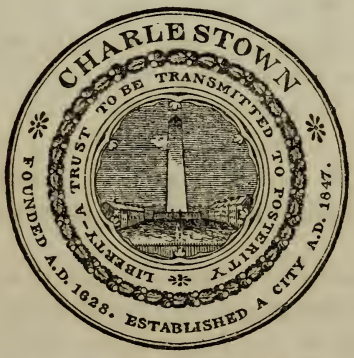
Passed, June 23, 1847.

(No. 7.)

An Ordinance to establish a City Seal.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

The following shall be the device of the Seal of said City, to wit: In the centre thereof, a view of the Bunker-Hill Monument and Monument Square; on the outer circle around the same, the inscription shall be, "Charlestown—Founded A. D. 1628. Established a City, A. D. 1847;" within a smaller circle, as the City motto, shall be the words "Liberty—a trust to be transmitted to posterity;" the whole to be arranged according to the impression of the seal hereunto annexed.



Passed, July 13, 1847.

(No. 8.)

An Ordinance concerning the Assessment and Collection of Taxes.

Be it ordained by the City Council of the City of Charlestown, as follows.

Sect. 1. The City Treasurer shall be the Collector of Taxes, and of all rents and other sums payable to the City, not otherwise specially provided for.

Sect. 2. The Assessors shall make their valuation of estates, and complete the assessment of taxes, and place a list thereof in the hands of the Collector on or before the first day of September in each year.

Sect. 3. The Assessors, if they shall abate any tax wholly or in part, shall keep a record thereof in a book to be provided for that purpose; which record shall contain the name of the person whose tax shall be so abated, the amount of his tax as originally assessed, the amount abated, and the reasons for such abatement; and they shall lay such record before the City Council in the first week of February, annually. The Assessors shall decide fully upon all applications for abatement, on or before the thirtieth day of October in each year.

Sect. 4. The Assessors shall deliver to the Collector a list of the taxes for all poll taxes assessed by them on persons who shall be assessed for a poll tax only, with a warrant for collecting the same, as soon as the amount of such tax in each year can be ascertained, and such poll tax shall be paid on demand, after legal notice; and, if not so paid to the Collector, he shall forthwith proceed to collect the same in the manner provided by law for the collection of taxes from delinquents.

Sect. 5. The Collector shall, within thirty days after the Assessors shall have placed any list of taxes in his hands for collection, deliver to every person, on whom any tax, other than a poll tax, shall have been assessed, or leave at his

place of residence or business, a bill of such taxes, which shall be equivalent to a special demand of payment thereof by the Collector; and in case any such tax shall be due, and unpaid, on the first day of November in each year, the Treasurer shall issue a summons to the person or corporation, from whom such tax shall be due, and if said tax and the sum of twenty cents for said summons be not paid within ten days after the delivery or service of such summons, a warrant shall be issued for the collection of the same according to law.

Sect. 6. The Collector shall in every case exact the payment of the sum of twenty cents for the summons, when issued, and also the same fees for collection which are allowed by law on executions, together with the interest from said first day of November, when the tax is not paid within ten days after the service of such summons. He shall keep a record of all sums and fees so paid, and of the persons by whom they are paid, which record he shall lay before the City Council, during the second week in February in each year, and all said sums and fees when received by him shall be paid into the City Treasury.

Sect. 7. The Collector shall, within the municipal year for which he was chosen, collect all taxes committed to him, from all persons against whom he shall have any such tax, and who shall be resident in or have sufficient goods or estate within the City; and he may for this purpose pursue any of the remedies by law in such cases provided.

Passed, August 16, 1847.

(No. 9.)

An Ordinance restraining the going at large of Dogs within the City of Charlestown.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. That, from and after two weeks from the passage of this Ordinance, no dog shall be permitted to go at

large or loose in any street, lane, alley or court, nor in any uninclosed or public place in this City, until the owner or keeper of such dog, or the head of the family, or the keeper of the house where such dog is kept or harbored, shall have paid to the City Clerk two dollars for a license for such dog to go at large, nor unless he shall also cause a collar to be constantly worn by such dog, having the christian and surname of the owner thereof, legibly written, stamped, or engraved thereon. And it shall be the duty of said Clerk to grant a license to any citizen, for his or her dog to run at large, upon payment of such sum; and he shall keep a record of the names of all persons to whom such licenses shall be by him granted.

SECT. 2. The licenses, which have been or shall be issued as aforesaid, shall endure and be in force until the first Monday of May next after the time of issuing the same, and no longer, but they may and shall be at that time renewed and, thereafter, annually, on payment to the City Clerk the like sum of two dollars for each renewal; and in case any dog shall be found loose, or going at large as aforesaid, contrary to the provisions of this Ordinance, the owner or keeper thereof, or the head of the family, or keeper of the house where such dog is kept or harbored, shall forfeit and pay a sum not exceeding ten dollars.

SECT. 3. On complaint being made to the Mayor of any dog within this City, which shall by barking, biting, howling, or in any other way or manner, disturb the quiet of any person or persons whomsoever, the Mayor, on such complaint, shall issue notice thereof to the person keeping or permitting such dog to be kept, or to the owner thereof; and in case such person or owner shall, for the space of three days after such notice, neglect to cause such dog to be removed and kept beyond the limits of the City, or to be destroyed, he shall forfeit and pay a sum not exceeding ten

dollars. *Provided*, that the Justice before whom such complaint shall be heard and tried, shall be satisfied that such dog had, in manner aforesaid, disturbed the quiet of any person or persons in the said City.

Sect. 4. If any person, after being convicted under the provisions of the third section of this Ordinance, shall still neglect or refuse to destroy his dog, on being ordered so to do, or if any dog of which no owner or keeper shall be discovered, or whose owner or keeper shall refuse or neglect to take out a license for him, shall be found going at large, contrary to the provisions of this Ordinance, it shall be the duty of the City Marshal to cause such dog or dogs to be destroyed.

Sect. 5. Nothing in this Ordinance contained shall be applied to any dog owned and usually kept out of the City; excepting, however, it shall be the duty of the City Marshal at all times hereafter, to cause every dog to be destroyed, wheresoever owned or kept, going at large within the City, not having a collar upon his neck, according to the provisions of law.

Passed, Nov. 23, 1847.

(No. 10.)

An Ordinance relating to Burial Grounds, and the Burial of the Dead.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. The Department relative to the interment of the dead, shall be placed under the control of one Superintendent, to be called the Superintendent of Burials, whose duty it shall be, and he shall have power to carry into execution, all the power and authority vested in the City Council, relative to the interment of the dead, the establishment of the

burial grounds, the regulation of funerals and funeral processions, subject always to the direction, authority and control of the Mayor and Aldermen; and it shall be the duty of said Superintendent to carry into effect all the Ordinances of the City Council and the laws of the Commonwealth relative thereto.

SECT. 2. Said Superintendent shall be appointed for the current municipal year, by the Board of Mayor and Aldermen, and hereafter shall be chosen by concurrent vote of the City Council, in the month of May and June, annually, to be always first acted upon by the Board of Mayor and Aldermen, and he shall hold his office until the next annual election, unless previously removed by the said City Council by vote, and thereupon or in case of his death or resignation, the City Council shall proceed to appoint a successor for the residue of the year, and said officer shall be compensated as the City Council may determine, and he shall be sworn to the faithful execution of his office.

SECT. 3. It shall be the duty of the Superintendent of Burials, by himself or by undertakers dulylicensed and appointed by the Mayor and Aldermen, to attend, manage and conduct in a proper manner, all the funerals which shall take place in the City; to keep the walls, fences and gates of the several burial grounds in the City, in good and proper repair, and to take care that said places of burial be well secured and enclosed at all times; to point out the place, depth and width of every grave to be dug therein; to cause the graves to be dug in exact ranges, parrallel with each other; and also to record in a book, to be kept by him for that purpose, the name, age and sex of each person buried, the family and place of residence to which the deceased belonged, the disease of which he or she died, the time of the burial, the number and position of the grave, and of the range or tomb where buried or deposited.

SECT. 4. The Mayor and Aldermen shall, annually, appoint a sufficient number of funeral undertakers, whose duty

it shall be to attend and manage funerals when so required, under the direction of the Superintendent of Burials; and all persons not licensed as undertakers are hereby forbidden and prohibited to undertake the management of any funeral.

Sect. 5. No person shall bury or inter, or cause to be buried or interred, in this City, any dead body; and no person shall remove or cause to be removed out of the City, the body of a deceased person for interment, without having first obtained a license so to do, from the Superintendent of Burials; and it is hereby made the duty of said Superintendent to grant the same, unless some good cause should appear for refusal.

Sect. 6. No person shall bury or inter, or cause to be buried or interred, any dead body at any other time of the day than between sunrising and sunsetting, except when otherwise ordered by the Superintendent of Burials; and no grave shall be re-opened for the burial therein, or disinterment therefrom, of any dead body, without license having been first obtained therefor, from the Superintendent of Burials. And in all cases of interments or burials, the top of any coffin in any grave shall not be less than four feet from the surface of the ground.

Sect. 7. The Old Burial Ground, so called, and the Catholic Burial Ground, on Bunker-Hill, shall be so far closed, as that no new tombs be built, nor old tombs be opened, nor new graves be dug therein, without the consent of the Superintendent of Burials first obtained. And no old graves shall be re-opened for the interment of the dead, except in cases of family graves, containing less than three adults or four infants, and never in these cases without the permission of the Superintendent of Burials first obtained. And it is hereby made the duty of said Superintendent to grant such permission on satisfactory evidence that the grave contains less than the number aforesaid, and that the deceased was a member of the family owning the grave, but not otherwise; and

old graves may be opened for disinterment of dead bodies, with license first obtained therefor, from the Superintendent aforesaid.

Sect. 8. The following fees shall be collected and paid for services in the execution of this Ordinance:—To the City, for every body brought into the City from other parts and buried, one dollar; and fifty cents per mile for any distance that a hearse may be sent out of the City, which, together with the fees for graves and tombs, are to be collected from the families of the persons interred. To the undertakers, for digging a grave eight feet deep, and covering the same, two dollars and fifty cents; for digging a grave six feet and six inches deep, one dollar and fifty cents; for digging a grave five fieet deep, one dollar and twenty-five cents; for opening and closing a tomb, seventy-five cents; for attendance and service, if required, at the house of the person deceased, one dollar; for attending with the hearse at the funeral, conveying, burying or entombing the corpse, two dollars and fifty cents; for the burial of children under ten years of age, digging a grave five feet deep, one dollar; and in all cases, when a corpse shall be carried into a church for a funeral service, the undertaker may make an additional charge of one dollar. When the ground shall be frozen, the charge for digging graves may be augmented at the discretion of the Mayor and Aldermen; and it shall be the duty of the several undertakers to pay over monthly to the Superintendent, the fees received by them on account of the City, provided for and established in this Section; and it shall be the duty of the Superintendent to pay over to the City Treasurer as often at least as once in six months, all monies which he shall receive, belonging to the City.

Sect. 9. Any person or persons, who shall be guilty of any violation of any of the provisions of this Ordinance, shall for each offence forfeit and pay a sum not less than ten nor more than fifty dollars, to be recovered by complaint be-

fore any Justice of the Peace, within and for the County of Middlesex, according to the provisions of "An Act of this Commonwealth, in addition to an Act authorizing the town of Charlestown to establish a Board of Health," passed the twentieth day of March, in the year of our Lord One Thousand Eight Hundred and Thirty-two.

Passed, March 31, 1848.

(No. 11.)

An Ordinance for laying out, altering and discontinuing Streets and Ways.

Be it ordained by the City Council of the City of Charlestown, as follows:

All petitions for laying out, widening, altering, or discontinuing any street or way, shall be presented to the Board of Mayor and Aldermen, and be referred by them to the Joint Standing Committee for laying out, altering and discontinuing streets and ways, whose duty it shall be, on receiving any and all petitions for such purposes, from the Board of Mayor and Aldermen, to proceed according to the provisions of law, as contained in the Revised Statutes, chapter twenty-fourth, which relate to the laying out town ways, and private ways, viz: by notifying and hearing the parties concerned, viewing the premises, estimating damages when sustained by individuals, causing the admeasurements and boundaries to be distinctly marked out on the premises, and also described in their report; said report to be lodged in the City Clerk's office, seven days, at least, before any action of the City Council on the same, and to be first taken up and acted upon by the Board of Mayor and Aldermen.

Passed, May 22, 1848.

(No. 12.)

An Ordinance, in addition to an Ordinance for laying out, altering, and discontinuing Streets and Ways.

BE IT ORDAINED, by the City Council of the City of Charlestown, as follows:

It is hereby provided, that if said Joint Standing Committee, after having considered the subject, shall deem the prayer of the petitioners inexpedient, they may, without further action, report an order for postponement, or for giving the petitioners leave to withdraw.

Passed, June 16, 1848.

(No. 13.)

An Ordinance establishing a system of accountability in the expenditures of the City.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

SECT. 1. There shall be appointed, at the commencement of each municipal year, a Joint Standing Committee on Accounts, consisting of two members of the Board of Aldermen and three members of the Common Council, which Committee shall meet once, at least, every month, and carefully examine and audit all accounts and claims against the City, which shall be laid before them, certified as provided in the succeeding Section, and shall allow and pass the same, if found to be correct and justly due.

SECT. 2. No account or claim against the City shall be received or acted on, by the Committee on Accounts, unless such account or claim shall be accompanied with a certificate of the Mayor, or of some officer, committee or agent, authorized on behalf of the City, to make the contract, or cause the expenditure to be made, that the same is correct.

SECT. 3. The City Clerk shall receive all accounts and claims from persons having demands against the City, which shall have been certified, as provided in the preceding section. He shall carefully examine all such accounts and claims, and see that they are correctly cast, and present the same neatly folded, filed and labelled, to the Committee on Accounts. He shall keep a book, in the manner and form the said Committee shall direct, wherein he shall enter the date and amount of every account and claim against the City, as finally corrected and allowed by said Committee, and also the name of the person, to whom the same shall be allowed, designating the fund or appropriation, from which the same shall be paid; and the certificate of the said Committee, allowing any such account or claim, shall be made in the book thus kept by the City Clerk. He shall also cause all books, papers, vouchers and documents under his care, belonging to the City, to be securely deposited and kept in some one of the fire-proof offices or vaults belonging to the City. And he shall render such other services, and furnish such other information respecting the accounts, finances, and payments of the City, as either branch of the Council, or any Committee thereof, from time to time may require.

SECT. 4. The City Clerk shall also, under the direction of the Committee on Accounts, keep a book or ledger, in which he shall enter the various appropriations made by the City Council, each under its appropriate head, and charge to each the different payments and expenditures, that, from time to time, shall be made therefrom. Whenever any appropriation shall be expended, the City Clerk shall immediately give notice thereof to the Mayor, to the Committee on Finance, and to the Committee on Accounts; which last named Committee shall pass, or allow no claim, nor account, chargeable to any head of appropriation, which is expended, until the City Council shall have provided the means of paying the same. He shall open an account with the Treasurer, charging him with the

whole amount of taxes assessed for collection, and also with the amount of loans and sums of money that may be borrowed for the City, and all securities and sums receivable, in order that the value and description of all personal property belonging to the City, may be seen at any time in his books. The Assessors shall annually, on the thirty-first day of October, or within ten days thereafter, report to the City Clerk all abatements of taxes made by them.

Sect. 5. No money shall be drawn out of the City Treasury, except upon the written order of the Mayor, addressed to the Treasurer, and countersigned by the City Clerk, and numbered so as to correspond with the number on the account or claim it shall be drawn to pay.

Sect. 6. The Mayor is hereby authorized to draw orders on the Treasurer, for the payment of all accounts and claims allowed and certified by the Committee on Accounts, as provided in the first Section; but he shall not draw his order on the Treasurer for the payment of any account or claim against the City, excepting as provided in the succeeding Section, unless the same shall have been allowed and certified by the Committee on Accounts; nor shall he draw any order in payment for any services rendered, or any materials furnished for any department, beyond the sum specifically appropriated therefor by the City Council.

Sect. 7. Any sum of money, which shall have been specially appropriated for the payment of principal or interest due ony note or other security of the City, or of the Town of Charlestown, may be drawn from the Treasury, and paid by the order of the Mayor, for the purpose for which it was appropriated without any action on the part of the Committee on Accounts; and whenever it shall be necessary to pay money in advance, on contracts made, or for work begun but not completed, the Mayor, upon being satisfied of such necessity, may draw his order on the Treasurer, for any sum not exceeding five hundred dollars at any one time.

Sect. 8. Whenever any money shall be drawn from the Treasury, for the purposes specified in the preceding Section, the City Clerk shall report the same, and the amount thereof, to the Committee on Accounts at their next meeting, and shall charge the same under the appropriate head of expenditure.

Sect. 9. All city officers, who shall, in their official capacity, receive any money on behalf of the City, shall pay to the Treasurer the amount in their hands, once in three months, and oftener if required. All other persons who shall have money in their hands, belonging to the City, shall forthwith pay the same to the Treasurer.

Sect. 10. All city officers and Agents, receiving money on behalf of the City, shall deliver to the City Clerk once in each month, a report in detail of the amount received, and what disposition has been made thereof, except in cases otherwise provided.

Sect. 11. The City Treasurer shall, under the direction of the Committee on Accounts, keep in a book, provided for the purpose, an accurate and true account of all his receipts and payments on behalf of the City, making the same conform in the mode of entry, as nearly as may be, with the accounts kept by the City Clerk. He shall not pay any money out of the Treasury, except upon orders of the Mayor, drawn in the form prescribed in the fifth Section. He shall, once in six months, and oftener if required, lay before the City Council a statement of the condition of the Treasury, and of all monies received and paid by him, on City account, during the preceding six months.

Sect. 12. There shall be appointed, at the commencement of each municipal year, a Committee on Finance, consisting of the Mayor, one member of the Board of Aldermen, and five members of the Common Council, which committee shall negotiate all loans to the City, which shall be authorized by the City Council, and shall report the amount to the City Treasurer.

Sect. 13.* The Committee on Finance shall, in the month of May, annually, prepare and lay before the City Council an estimate of the amount of money necessary to be raised for the ensuing financial year, under the various heads of appropriation, and the ways and means of raising the same; and shall also, in the month of March, annually, prepare and lay before the City Council, a statement of all the receipts and expenditures of the preceding financial year, giving in detail the amount of appropriation and expenditure for each department; and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the City, and the value thereof, and of the amount of the City debt.

Sect. 14. The Committee on Finance shall, at the close of each municipal year, and as much oftener as they shall deem it expedient, examine and audit the accounts of the City Treasurer, and for that purpose shall have access to all books and vouchers in his possession, or in possession of the City Clerk, or any other officer of the City. The said Committee shall not only compare said accounts with the vouchers therefor, but shall ascertain whether all monies due the City have been collected and accounted for; they shall also examine all notes and securities in his hands, belonging to the City, and make report thereof to the City Council.

Sect. 15. The City Clerk shall give bonds, in the penal sum of three thousand dollars, for the faithful performance of all the duties prescribd for him in this Ordinance, and for the delivery to his successor, of all books, papers and property, belonging to said office.

Sect. 16. The City Treasurer and Collector shall give bonds with sufficient sureties, to the satisfaction of the Mayor and Aldermen, in the sum of thirty thousand dollars, for the faithful performance of the duties of the said office of Treasurer and Collector, and that he will truly and justly account for all monies that may come into his hands.

Sect. 17. The City Treasurer shall make up his accounts to the first day of March, and the financial year shall, henceforth, begin and end on the first day of March, in each year.

Sect. 18. So much of By-Laws, Orders or Ordinances heretofore existing, as are inconsistent with the provisions of this Ordinance, are hereby repealed.

Passed, June 16, 1848.

(No. 13.)

An Ordinance to prevent unlawful and injurious practices in the Streets, and other public places in the City.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. No person shall break or dig up the ground or stones in any street, lane or alley, or on any sidewalk or common in the City, or erect any staging for building, or place or deposit any stone, bricks, timber or other building materials thereon, without first obtaining a written license from the Mayor and Aldermen or some person authorized by them, and complying in all respects with the conditions of such license.

Sect. 2. Whenever any street, lane, alley, sidewalk or other public place in the City, shall, under any license granted as provided in the preceding Section, be dug up, obstructed, encumbered or otherwise rendered thereby unsafe or inconvenient for travellers, the person so licensed shall put, and at all times keep up a suitable railing or fence round the section or part of any street, lane, alley, or other public place, so dug up, obstructed or encumbered, so long as the same shall be or remain unsafe or inconvenient as aforesaid, and shall also keep one or more lighted lanterns fixed to such fence, or fixed in some other proper manner, every night from twilight in

the evening and through the whole night, so long as such railing or fence shall be kept standing. He shall also within such reasonable time as the Mayor and Aldermen shall direct, amend and repair such street, lane, alley, sidewalk or public place to their acceptance.

Sect. 3. From and after the passing of this Ordinance, no person shall make, erect or maintain any door step, portico, porch, entrance or passage-way to any cellar or basement, or any other structure, in or upon any street, lane, alley, or sidewalk in the City, without permission from the Board of the Mayor and Aldermen. No person shall suffer the platform, or grate of the entrance or passage-way to his cellar or basement heretofore constructed, or which may hereafter be constructed in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passage-way shall be at all times kept covered by a suitable and substantial platform or grate, unless the same shall be authorized to be kept open by the Board of the Mayor and Aldermen; and in case it shall be kept open, it shall be guarded and protected by a sufficient railing on both sides thereof at least two feet and a half high, and well lighted at night. No person shall suffer his well, cistern or drain, in any street, lane, alley or sidewalk in the City, to be or remain open or uncovered, unless the same shall be enclosed by a strong and safe curb, guard or fence.

Sect. 4. If any person shall dig or sink, or cause to be dug or sunk, any well, cellar, cistern, drain or other cavity in the ground, near to or adjoining any street, lane or alley in the City, he shall put up, and at all times keep up, so long as it shall be necessary for the purpose, a railing or fence on or near the line of such street, lane or alley, sufficient to protect travellers and passengers from falling into the same, or being injured thereby.

Sect. 5. No person shall put or place or cause to be put or placed in any street, lane, alley or other public place in the

City, any house dirt, ashes, garbage, shreds, shavings, filth, suds, offal, oyster shells, or other kind of rubbish, except in such place and in such manner as the Mayor and Aldermen may prescribe.

Sect. 6. No person shall suffer his fire-wood, coal, or other fuel in any quantity, to remain unnecessarily on any sidewalk or in any street, lane or alley in the City over night, or after twilight in the evening. If the same must of necessity remain after twilight or through the night, the owner thereof shall place and keep a sufficient light over or near the same through the night, in order to give notice thereof to travellers and passengers, and thereby prevent injury to them.

Sect. 7. No person shall permit any horse, swine, goat, cow, or other neat cattle belonging to him or under his control, to go at large in any street, lane or alley, or on any common in the City.

Sect. 8. No person shall ride any horse, or drive any horse or horses attached to a vehicle of any description, either of burden or of pleasure, or cause the same to be rode or driven in any street, lane or alley, or over any bridge in the City, at an immoderate gait, so as to endanger or expose to injury any person standing, walking or riding in or upon the same. And every person having any truck, cart, wagon, or other team of burden under his care, shall, when driving or passing in or upon any street, lane, alley or bridge in the City, hold the reins of his horse or horses in his hand, or be in such position and so near the team he is driving, as to be able at all times to guide, restrain and govern the same.

Sect. 9. No person shall drive, wheel or draw any coach, cart or other vehicle of burden or of pleasure, or permit any horse under his care to go upon any sidewalk in the City, or otherwise occupy, obstruct or encumber any such sidewalk so as to interfere with the convenient use of the same by all passengers. No person shall stop his team or vehicle, or

unnecessarily place any other obstruction on any flagging stones laid in or across any street, lane or alley in the City.

Sect. 10. No person shall move or cause to be moved, any house, shop, or other building, through any street, lane or alley, or over any bridge in the City, without first obtaining a written license therefor from the Mayor and Aldermen, who may grant the same on such terms and conditions as they shall deem to be safe and proper.

Sect. 11. Any person who shall throw or put, or cause to be thrown or put, any snow or ice into any street, lane or alley in the City, shall cause the same to be broken up and spread evenly over the surface of such street, lane or alley.

Sect. 12. No person shall swim or bathe in any of the waters within or surrounding the City, so as to be exposed to the view of passengers or other persons in any street, lane, alley, or house within the City.

Sect. 13. No person shall expose in or upon any street, lane, alley, public place or common in the City, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game at such table or device, in or upon any street, lane, alley, public place or common in the City. No person shall place or keep any table, stall, booth, or other erection, in any street, lane, alley, or public place, or on any square or sidewalk in the City, for the sale of fruit, or other thing, without permission first obtained from the Mayor and Aldermen.

Sect. 14. No person shall, except in the performance of some duty required by law, discharge any gun, pistol or other fire arms, loaded with balls or shot, or with powder only, within the principal inhabited parts of the city, or within fifty rods of any dwelling-house therein.

Sect. 15. No person shall injure, deface, or destroy any guide-post or guide-board, any lamp-post or lamp or lantern thereon, heretofore erected, or which shall be erected in

the City; or any tree, building, fence, post or other thing set, erected or made for the use or ornament of the City.

Sect. 16. No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language in any street, lane, alley, or other public place in the City, or near any dwelling-house or other building therein, or be or remain upon any side-walk, or upon any door step, portico, or other projection from any such house or other building, to the annoyance or disturbance of any person. No person shall make any indecent figures, nor write any indecent or obscene words upon any fence, building, or other public place within the city, nor shall any person by any noise, gesture, or other means, wantonly and designedly, frighten or drive any horse or horses in any street or other public place in the City. No person shall play at ball or "hurley," or fly any kites or balloons, or throw any stones or other missiles in any street, lane or alley of the City, or coast or course upon any sled or sleigh.

Sect. 17. No person shall place or keep in front of any building, or cause to be kept, any awning or shade less than seven feet and a half in height at the lowest part thereof; nor shall such awning or shade extend beyond the line of the sidewalk.

Sect. 18. No person shall take hold of, or ride upon, the back of any chaise, sleigh, coach, or other carriage used for transportation of persons while the same, is passing through any street or highway of said City, without the permission of the owner or driver of the same.

Sect. 19. No person shall suffer any spout on his or her building to lead or cast water upon any sidewalk, street, lane or alley in this City, to the injury or inconvenience of passengers.

Sect. 20. No person shall fire any squib, cracker, serpent or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, or make any bonfire in

or upon any street, lane, or public place or wharf within the City, except by the authority of the Mayor and Aldermen.

Sect. 21. Any person who shall offend against any of the provisions of this Ordinance, shall forfeit and pay for each and every offence, a sum not less than one dollar, nor more than twenty dollars.

Sect. 22. No person shall be prosecuted or tried for any breach of the provisions of this Ordinance, unless complaint for the same shall be instituted and commenced within six months from the time of commiting such breach.

Sect. 23. This Ordinance shall go into operation from and after the expiration of ten days after its passage.

Sect. 24. That so much of all By-Laws, Ordinances and Orders as are inconsistent with the provisions of this Ordinance, are hereby repealed. Passed, Jan. 19, 1849.

(No. 15.)

An Ordinance authorizing the appointment and prescribing the duties of City Marshal.

Be it Ordained, by the City Council of the City of Charlestown, as follows:

Sect. 1.* The Mayor and Aldermen shall forthwith, and hereafter, in the month of May, annually, appoint a City Marshal—who shall remain in office one year, unless removed as hereinafter provided.

Sect. 2. Said City Marshal shall be also Constable; and during his continuance in the office of City Marshal, shall have precedence and command over the other Constables, whenever engaged in the same service, or when directed thereto by the Mayor and Aldermen.

Sect. 3. The said City Marshal before entering upon the duties of his office, shall take the oath of office as by law

provided for Constables; and he shall give bond in the sum of Five Hundred Dollars, with surety, to be approved by the Mayor and Aldermen, for the faithful performance of his said office.

Sect. 4. The City Marshal shall, whenever authorized by the Mayor and Aldermen, employ one or more deputies, who shall be approved by the Mayor and Aldermen, who shall in like manner, take the oath of office; whereupon such deputy shall have power and authority to assist the City Marshall, in the execution of his office; or in his absence, to officiate in his stead; the City Marshal being always responsible for his deputies.

Sect. 5. It shall be the duty of the City Marshal, from time to time, as often as once a week, to pass through all the streets, alleys and courts of the City, to observe nuisances, obstructions and impediments therein, to the end that the same may be removed or prosecuted according to law; to notice all offences against the laws and orders in being, taking the names of offenders, for the purpose of prosecuting them; to receive all complaints of the citizens against any breach of the laws; to obey and execute all commands of the Mayor and Aldermen in relation to any matter or thing concerning the City; to superintend the night watch and report their doings, once a week or oftener, to the Mayor; to institute all prosecutions against offenders of the laws or City Ordinances, and to attend regularly and punctually on all trials of offenders prosecuted on behalf of the City, in any court whatever; and for the convenience of the citzens having business with the City Marshal, he shall attend daily at some stated hour, in some central and public office, of which due notice shall be given; and further to perform all such other and additional duties, and to comply with all such regulations as may at any time be prescribed to him by the Mayor and Aldermen.

Sect. 6. The Mayor and Aldermen may at any time, by vote, remove from office the said City Marshal; and there-

upon appoint a successor, and in like manner appoint, in case of death or resignation.

SECT. 7. The City Marshal shall be compensated according to such Ordinance as the City Council may hereafter establish and ordain.

Passed, May 10, 1847.

(No. 16.)

An Ordinance to amend an Ordinance authorizing the appointment, and prescribing the duties of the City Marshal.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

SECT. 1. Nothing contained in the Ordinance "authorizing the appointment, and prescribing the duties of the City Marshal," passed May 10, 1847, shall be so construed as to prevent any Constable or police officer from instituting prosecution against such person or persons as may have been arrested by him for a breach of the laws of the Commonwealth.

SECT. 2. Any Constable or police officer of the City, may use the cells of the Watch House for the confinement and safe keeping of persons arrested and awaiting trial before a Justice.

Passed, May 28, 1849.

(No. 17.)

An Ordinance relating to the removal of Snow and Ice from the Sidewalks of the City.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

SECT. 1. From and after the passing of this Ordinance, the tenant, occupant, and in case there shall be no tenant, the owner of any building or lot of land bordering upon any

street, lane, court or public place within the City, where there is any footway or sidewalk, used as a common thoroughfare, shall, after the ceasing to fall of any snow, if in the day time, within six hours, and if in the night time, before two of the clock in the afternoon succeeding, cause the same to be removed therefrom; and in default thereof, shall forfeit and pay a sum not less than one dollar, and not more than four dollars, for each and every day that the same shall afterwards remain on such footway or sidewalk.

SECT. 2. The penalties provided in this Ordinance shall be recovered by complaint, in the same manner as the penalties provided for in other City Ordinances.

Passed, January 4, 1850.

(No. 18.)

An Ordinance to amend certain Ordinances, so as to make them conform to the alteration of the Municipal Year.

BE IT ORDAINED by the City Council of the City of Charlestown, as follows:

SECT. 1. The estimate required to be made by the Committee on Finance, of the amount of money necessary to be raised for the ensuing financial year, shall be prepared and laid before the City Council in the month of January, in each year; and said Committee shall examine and audit the accounts of the City Treasurer and Collector, at the close of each financial year.

SECT. 2. The term of office of the City Treasurer and Collector shall correspond with the financial year, although he may be elected at the commencement of each municipal year.

SECT. 3. The City Marshal shall be appointed by the Mayor and Aldermen in the month of March, in each year;

and in the same month, the Superintendent of Burials shall be chosen by the City Council, by concurrent vote.

Sect. 4. All parts of former Ordinances which are inconsistent with this Ordinance, are hereby repealed.

Passed, Jan. 4, 1850.

(No. 19.)

An Ordinance relative to the collection and removal of House Offal.

Be it ordained by the City Council of the City of Charlestown, as follows:

Sect. 1. The Mayor and Aldermen, as a Board of Health, are hereby authorized to contract with suitable persons for the collecting and carrying away of the swill and offal of the City, if the same can be done without any expense to the City, and may make such rules and regulations in relation thereto, as they may deem necessary.

Sect. 2. After public notice given by the Mayor and Aldermen, no person shall collect and carry away swill or offal from any part of the City, except by license of the Mayor and Aldermen, under a penalty of not exceeding three dollars for each offence.

Passed, July, 1850.

SPECIAL LAWS.

An Act to prevent Damage by fire, in the towns of *Boston* and *Charlestown.*

Whereas great damage has many times arisen from fires, which have begun in sail-makers' and riggers' lofts, and spread to the buildings adjacent:

Be it enacted by the Governor, Council, and House of Representatives, That from and after the first day of September, which shall be in the year of our Lord, One Thousand Seven Hundred and Forty-Nine, it shall not be lawful for any person to occupy or improve any tenement or building whatsoever, in any part of the towns of Boston or Charlestown, for the business or employment of a sail-maker or rigger, save only in such parts of the town as the Selectmen of the said town respectively, or the major part of them, shall determine convenient, such determination to be certified under the hand of the Town Clerk; and if any person shall offend against this Act, he shall forfeit and pay the sum of *twenty pounds* for every six months, and so in proportion for a greater or less time he shall so occupy or improve any tenement or building that shall not be licensed or allowed as aforesaid; one half thereof to and for the use of the poor of the town of Boston or Charlestown, respectively, the other half to him

or them that shall inform and sue for the same, to be recovered before the Court of General Sessions of the Peace, for the county where the offence shall be committed. This act to continue and be in force until the first day of September, One Thousand Seven Hundred and Fifty-Two, and no longer.

This Act passed February 2d, 1748.

Made perpetual by Act passed March 7th, 1797.

An Act to Incorporate certain persons by the name of the Trustees of Charlestown Free Schools.

WHEREAS the education of youth has ever been considered by the wise and good as of the highest consequence to the safety and happiness of a free people; and whereas sundry persons have bequeathed real and personal property to the town of Charlestown, the rents and profits thereof to be solely and forever applied to and for the use of the Free Schools in said town; and whereas many inconveniences have arisen in the present method of executing their generous designs:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Richard Devens, Nathaniel Gorham, Josiah Bartlett, Aaron Putnam, Esquires; Joseph Hurd, merchant; Nathaniel Hawkins, and Seth Wyman, gentlemen, all of Charlestown, in the county of Middlesex, be, and they hereby are incorporated into a Body Politic by the name of the Trustees of Charlestown Free Schools.

SECT. 2. *Be it further enacted by the authority aforesaid,* that all the donations which have been given to said town for the use and support of their schools, whether real, personal or mixed, shall be, pursuant to the consent and at the request of said town, had in public town meeting on the fourth

day of March, one thousand seven hundred and ninety-three, and they are hereby confirmed unto the said Richard Devens and others, and to their successors in said office of Trustees of Charlestown Free Schools, forever, for the sole use and benefit of said schools, agreeable to the true intent and meaning of the donors.

SECT. 3. *Be it further enacted by the authority aforesaid*, That the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of said schools; and they shall have power and authority to break, change and renew the same from time to time as they shall see fit; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Charlestown Free Schools.

SECT. 4. *Be it further enacted by the authority aforesaid*, That the aforesaid Richard Devens and others, and their successors in said office of Trustees, be the Visitors, Trustees and Governors of the aforesaid Charlestown Free Schools, to be continued in the way and manner following, viz: That the said town of Charlestown, at their annual town meeting in the month of May, shall have authority to elect by ballot such persons, to the number of seven, as they shall think proper, to the said office of Trustees of Charlestown Free Schools; and that five of said Trustees shall constitute a quorum for doing business; and the major part of the members present shall decide all questions that shall come before them; and that the said Trustees shall have power and authority to elect a President, Treasurer and Secretary, and such other officers as they shall judge necessary and convenient; but no pecuniary compensation shall be allowed the said Trustees, without the consent of said town of Charlestown; and to make and ordain such laws, rules and orders for the good government of said schools, as to them,

the Trustees, Governors, and Visitors aforesaid, and their successors, shall from time to time seem most fit and requisite; all which shall be observed by the officers and scholars of said school, upon the penalties therein contained: *provided*, notwithstanding, that the said rules, laws and orders be no ways repugnant to the laws of this Commonwealth.

Sect. 5. *Be it further enacted by the authority aforesaid*, That the Trustees aforesaid be, and they hereby are, rendered capable in law to take and receive by gift, grant, devise or bequest, or otherwise, any lands, tenements or other estate, real and personal, which may in future be granted for the benefit of said Charlestown Free Schools: *provided*, the annual income thereof shall not exceed the sum of six hundred pounds; to have and to hold the same under such provisions and limitations as may be expressed in any deed or conveyance to them made by the donor or donors; and that all deeds and instruments, which the said Trustees shall lawfully make, shall, when made in the name of said Trustees, and signed and delivered by the President, and sealed with their common seal, bind the said Trustees and their successors, and be valid in law.

Sect. 6. *Be it further enacted by the authority aforesaid*, That the aforesaid Trustees shall have full power and authority to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Trustees to convene at such meetings; and the said Trustees shall have full power and authority to determine and prescribe, from time to time, the powers and duties of their several officers, and to fix and determine the tenures of their respective offices.

Sect. 7. *Be it further enacted by the authority aforesaid*, That the said Trustees shall, at the annual meeting of said town of Charlestown, in the month of May, previous to the election of Trustees, lay before said town the particulars of their proceedings and the state of their funds.

SECT. 8. *Be it further enacted by the authority aforesaid*, That Richard Devens be, and he is, authorized and empowered to fix the time and place for holding the first meeting of said Trustees, and to certify them thereof.

Passed March 27, 1793.

An Act concerning the Trustees of the Charlestown Free Schools.

BE IT ENACTED by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. *The Act passed on the twenty-seventh day of March, in the year one thousand seven hundred and ninety-three, entitled "An Act to incorporate certain persons by the name of the Trustees of the Charlestown Free Schools, is hereby so far amended as to give the town of Charlestown power to elect eleven Trustees instead of seven.

SECT. 2. Five of the aforesaid Trustees shall constitute a quorum for the transaction of business; and the Act passed on the fourth day of March, in the year one thousand eight hundred, amending the Act for the incorporation of the Trustees of the Charlestown Free Schools, is hereby repealed.

Approved by the Governor, Feb. 22, 1841.

An Act to provide for the safe keeping of Gunpowder in the town of Charlestown.

BE IT ENACTED by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. That from and after the passing of this Act, no person or persons, (not on military duty,) shall keep, have, or possess, in any store, barn, house or other building, or in

or upon any place or thing whatever within the town of Charlestown, except in a public powder house in said town, gunpowder in any quantity exceeding five pounds, in any way or manner otherwise than as by this Act is permitted: *Provided, nevertheless,* that nothing in this Act shall be construed to operate as a prohibition to the transporting of gunpowder through the town of Charlestown aforesaid, or to or from the public magazines in said town, from or into any part of this Commonwealth.

Sect. 2. *Be it further enacted,* That no merchant or private armed vessel, on board of which gunpowder shall be laden in any quantity exceeding twenty-five pounds, shall lay within two hundred yards of any wharf within said town.

Sect. 3. *Be it further enacted,* That all gunpowder found within the said town of Charlestown, contrary to the provisions of this Act, shall be forfeited and may be seized by one or more of the fire-wards of said town; and it shall be the duty of such fire-ward or fire-wards, within twenty days after such seizure, to file a libel in the clerk's office of the Circuit Court of Common Pleas, for the Middle Circuit, in the County of Middlesex, stating the cause of such seizure, and praying for a decree of forfeiture; and the judges of said court shall have power to hear and determine the cause by a jury where there is a claimant; but without a jury, if upon proclamation made, no claimant appear, and to decree the forfeiture and disposition of such property according to law, and may decree a sale and distribution of the proceeds, deducting charges; and if such libel be not supported, restitution of the property shall be decreed without cost; but if a claimant appear, and dispute the forfeiture, and said gunpowder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution, which may have legally arisen thereon.

Sect. 4. *Be it further enacted,* That all such gunpowder so forfeited, shall be forfeited one moiety thereof to the use of the Commonwealth, and the other moiety thereof to the

use of the fire-wards of said town of Charlestown: *provided, always*, that it shall and may be lawful for any person or persons to keep in his or their house, ware-house or shop, for sale, by retail, any quantity of gunpowder, not exceeding twenty-five pounds in the whole: *provided*, the same be constantly kept in copper, brass or tin canisters, closely covered with copper, brass or tin, and not otherwise.

Sect. 5. *Be it further enacted*, That, if any gunpowder shall be found in the town of Charlestown, aforesaid, contrary to the provisions of this Act, the owner or owners of the same, or other person or persons, in whose possession it shall be found, besides the forfeiture aforesaid, shall forfeit and pay forty cents for every pound of such gunpowder, one moitey thereof to the use of the Poor of said town of Charlestown, and the other moiety to the use of him or them who shall sue for the same; which forfeiture of forty cents may be recovered by action of the case, in any court proper to try the same.

Sect. 6. *Be it further enacted*, That it shall and may be lawful for any one or more of the fire-wards of said town of Charlestown, to enter any building or other place in said town of Charlestown, in the day time, to search for gunpowder, which they may have reason to suppose to be concealed, or kept, contrary to the provisions of this Act, having first obtained a search warrant therefor, according to law.

Passed Feb. 18, 1814.

An Act regulating the transportation of Gunpowder in and through the town of Charlestown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. That, from and after the passage of this Act, all gunpowder brought into, or conveyed through, the town of

Charlestown, by the Middlesex canal, in any boat or otherwise, the same shall be closely and entirely covered with leather or painted canvass, and shall proceed without delay, (other than is necessary in passing locks,) through the Mill pond to Charles river, and to the place of its destination: *provided, nevertheless*, that whenever such boat or other vehicle be impeded in its passage by wind, low water, or other cause, the same shall be removed at a distance of not less than one hundred yards from the shore or landing place in said Mill pond, nor shall it approach said landing place again, unless it proceed without delay to Charles river; and no boat or other vehicle, loaded or principally loaded with gunpowder, shall approach another loaded in like manner and belonging to the same concern, within one hundred yards, and no such boat or vehicle shall be allowed to have any fire on board, nor be left without being under the immediate care and inspection of some suitable person.

Sect. 2. *Be it further enacted*, That whenever any quantity of gunpowder, exceeding fifty pounds, is conveyed into or through said town of Charlestown, otherwise than by the canal, the same shall proceed, without delay, to the place of its destination, in carriages or vehicles closely and entirely covered with leather or painted canvas, and the bottom and sides covered with some soft substance, that shall prevent any dangerous friction; and all gunpowder, whether conveyed by land or water carriage, shall be enclosed in tight casks, boxes or canisters, that shall prevent the escape of any particle of their contents; and no load of gunpowder shall exceed fifteen hundred pounds, or be approached or followed by another load of gunpowder, belonging to the same concern, within two hundred yards, nor be left without being under the immediate care of some suitable person: *provided, however*, that the provisions of this Act shall not extend to the transportation of gunpowder on the old road leading from Cambridge common to Malden bridge, or in any part of said town of Charlestown north and west of said road.

SECT. 3. *Be it further enacted*, That gunpowder shall not be landed in said town of Charlestown from any vessel or boat, unless the passage to the powder house by water is so far obstructed, as to render it dangerous or impassable; and in all such cases, when it is necessary for powder to be landed, it may be done, by an application for that purpose being first made to one or more of the fire-wards of said town, and under his or their direction, it shall be transported forthwith to the powder house.

SECT. 4. *Be it further enacted*, That gunpowder found within the town of Charlestown aforesaid, in violation of the provisions of this act, may be seized by one or more of the fire-wards of said town, and shall be forfeited agreeably to the provisions of an Act entitled "an Act to provide for the safe keeping of gunpowder in the town of Charlestown." *Provided, however*, that the seizure and forfeiture in consequence of a violation of this Act, shall in no case exceed five hundred pounds of any one load.

Passed Feb. 15, 1825.

An Act authorizing the Town of Charlestown to establish a Board of Health.

BE IT ENACTED by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.

SECT. 1. That the inhabitants of the town of Charlestown, qualified to vote for town officers, may, in the month of March annually, in town meeting assembled, elect by ballot seven able and discreet persons, being freeholders and residents in said town, to be a Board of Health, whose duty it shall be, when notified by the Town Clerk, of their election as aforesaid, to meet within sixty days after such notice, and

organize themselves by electing a President and Secretary; The Secretary thus chosen, to be sworn to the faithful discharge of the duties of said office; which oath shall be entered and subscribed by such Secretary, on the records of said Board, and attested by the person administering the same; and a certificate from the records of said Board, shall be received and admitted as evidence in all cases, relating to the proceedings of said Board.—On the death or resignation of any member of the said Board of Health, such vacancy shall be filled by election, by ballot, at the next town meeting which may be holden after such vacancy exists; and a majority of the Board shall be competent to transact any business which the whole Board could transact.

Sect. 2. *Be it further enacted*, That the said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth, that may be injurious to the citizens of Charlestown, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove, or prevent, as the case may require; and all the expenses attending the same, to be paid by the person or persons who caused such nuisance to exist, if known, and if not known, such expenses to be paid by the town: and in all cases, where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of this board, and ordered to destroy or remove the same, shall forthwith destroy or remove such filth or nuisance; and in case said owner or occupier shall refuse or neglect to remove such filth, nuisance, or cause of sickness, from his, her, or their property, within the time specified by said Board, he, she, or they, so offending, shall forfeit and pay a fine of not less than one dollar, nor more than one hundred dollars, to be sued for and recovered by said Board of Health, in manner hereafter directed. And any two members of this

Board may cause the same nuisance to be removed or destroyed, as the case may require; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupier, on whose premises, or in whose possession, such cause of sickness, nuisance, or source of filth may be found. And the said Board may have power to appoint scavengers, when necessary, to carry into effect the requirements of this act, and the same to remove, and substitute others at the pleasure of the Board.

Sect. 3. *Be it further enacted*, That the said Board of Health shall have power to seize, take, and destroy, or to remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid, or tainted, meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Charlestown,) shall be injurious to the health of those who might use them; and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholsome, putrid, or tainted article shall be found; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any building or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the town of Charlestown, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel; any member of said Board, by order of said Board, may apply to any Justice of the Peace within and for the county of Middlesex, and on oath complain and state on behalf of said Board, the facts as far as said Board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid; and such Justice shall thereupon issue his warrant directed to the Sheriff of the

county of Middlesex, or either of his Deputies, or any Constable of the town of Charlestown, therein requiring them, or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or any two members of the same, between the hours of sunrise and sun-set, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of as existing as aforesaid, and there if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said Board of Health, or such members of the same as may be present for such purpose: *provided, however*, that no Sheriff, Deputy Sheriff, or Constable, shall execute any civil process, either by arresting the body, or attaching the goods or chattels of any person under color of any entry made for the purpose, aforesaid, unless such service could by law be made without such entry; and all services, so made under cover of such entry, shall be utterly void; and the officer making such service shall be considered a trespasser to all intents *ab initio;* and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the costs arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found.

Sect. 4. *Be it further enacted*, That the said Board of Health shall have power to make such rules, orders and regulations from time to time, for the preventing, removing, or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Charlestown, which they may think necessary; which rules, orders and regulations, after having been posted up in three or more public places within the town, shall continue in force and be obeyed by all persons, until altered or repealed by said Board, or by the town; and any person or persons who shall disobey or violate any such rules, orders or regulations so as afore-

said made, shall severally forfeit and pay for such offence, a sum not less than one dollar, nor more than fifty dollars, according to the nature and aggravation of such offence.

Sect. 5. *Be it further enacted*, That the powers and duties which are given to, or required of, the selectmen of the town of Charlestown, by law of this Commonwealth, passed on the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled "An act to prevent the spreading of contagious sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to, and made the duty of the Board of Health of the town of Charlestown, from and after the election of said Board, any thing in the said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the town Treasurer of the town of Charlestown; and the accounts of said Board, including all receipts and expenditures of money, shall be examined annually, and reported to the town by a committee chosen for that purpose; and the same shall be paid by the town Treasurer of the said town of Charlestown.

Sect. 6. *Be it further enacted*, That all fines, forfeitures, and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by, and in the name of the town of Charlestown, in the same manner within the county of Middlesex, as is pointed out by the twelfth section of an act passed on the twentieth day of June, one thousand eight hundred and sixteen, entitled "An act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty for the recovery of all fines and forfeitures arising under said act in the county of Suffolk:" and all moneys, arising by fines, forfeitures, or sums to be paid under any of the provisions of this act, shall enure to the use

of the inhabitants of the town of Charlestown, and shall be accounted for by said Board, to the Treasurer of said town.

Approved by the Governor, June 12, 1818.

An Act in addition to "An Act authorizing the town of Charlestown to establish a Board of Health.

BE IT ENACTED by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. That the selectmen of the town of Charlestown be, and they hereby are, authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town; to establish the burying grounds; appoint and locate the places where the dead may be buried in said town; to make regulations for funerals, and appoint all necessary officers and persons to carry the same into effect, and to prescribe thier duties and fees. And the said selectmen may establish such penalties for the violation of any such rules, orders and regulations, as they may think proper: *provided*, that the penalty for any one such violation shall not exceed the sum of fifty dollars: and provided further, that before any such rule, order or regulation shall go into effect, the same shall be approved by the inhabitants of said town, at a legal meeting thereof for that purpose called, and shall be published in one or more newspapers printed in Charlestown or Boston.

SECT. 2. *Be it further enacted*, That all fines, forfeitures, and sums, to be paid, arising under any of the provisions of this act, shall be prosecuted for, by, and in the name of the selectmen of the town of Charlestown, in the same manner and under the same provisions within the county of Middle-

sex, as are provided for the recovery of similar fines, forfeitures, and sums, within the county of Suffolk, by the twelfth section of an act, entitled "An act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty," passed the twentieth day of June, in the year of our Lord one thousand eight hundred and sixteen. And all fines, forfeitures, or sums, to be paid under any of the provisions of this act, shall enure to the use of said town of Charlestown, and shall be accounted for by the said selectmen to the Treasurer thereof.

Passed March 20, 1832.

An act to regulate the Sidewalks in the town of Charlestown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. That in all streets, which shall hereafter be paved in the town of Charlestown, the sidewalks shall be made according to the following regulations, viz: the footpath or sidewalk, on each side of the street, shall be of a breadth not exceeding one sixth part of the whole width of the street, and shall be paved with brick or flat stone, and shall be secured with good and sufficient hammered edge stone on the outside of the same.

Sect. 2. *Be it further enacted*, That whenever the town shall direct the paving of any public street as aforesaid, each and every owner or owners of a lot or lots of land adjoining the same, shall, without delay, at his or her own expense, cause the sidewalk in front of his or her land, to be paved with brick or flat stone, and supported by hammered edge stone, and kept in repair; the same to be done under the direction, and to the acceptance of the surveyors of the highways. And if the owner or owners of such lot or lots shall

neglect or refuse to pave and support the sidewalk as aforesaid, for the space of twenty days after he or she, or the tenant of such lot or lots, or the attorney of such owner or owners, shall have been thereto required, by any of the surveyors of highways, then it shall be lawful for said surveyors, and they are hereby enjoined and required to pave and support the same in the manner aforesaid, or to repair the same, and shall recover the whole amount of the expense thereof, by action of the case, to be brought by the surveyors of highways before any court proper to try the same: *provided*, nevertheless, that whenever, in the opinion of the selectmen, any owner or owners of any lot on such street shall be unable to comply with the foregoing requisitions, the said selectmen may direct the surveyors of highways to cause such sidewalk to be made at the expense of the town: *provided*, also, that when there are any vacant lots of land on any such stree, the surveyors of highways may, at their discretion, allow the owner or owners thereof to cover the sidewalk with plank, and support the same with timber, which shall be removed, and the edge stone, and brick or flat stone pavement be completed, whenever in the judgement of said surveyors it shall become necessary.

Sect. 3. *Be it further enacted* That no canopy, balcony, portico, or door-steps, hereafter erected in any street, lane, or alley, in the town of Charlestown, shall project into such street, lane or alley more than one-twelfth part of the width thereof, and in no case more than three feet, and all cellar doors hereafter made or repaired, shall be built with upright cheeks, which shall not project from the line of the house into the street, lane or alley, more than nine inches, nor shall the platform of the same rise above the level of the sidewalk. And if any proprietor, owner, or owners, shall erect any canopy, balcony, portico, cellar door, door-step, or other obstruction, contrary to the provisions of this act, and shall refuse or neglect to remove or take down the same, within five days

after having been directed and required thereto, by any of the surveyors of highways, such proprietors, owner or owners, shall forfeit and pay the sum of two dollars for each and every day the same shall remain, after the expiration of the said five days.

Sect. 4. *Be it further enacted*, That all forfeitures and fines, which may be recovered in pursuance of this act, shall go and be distributed, one moiety thereof to the poor of the town of Charlestown, and the other moiety to the surveyors of highways.

Passed June 12, 1824.

An Act to incorporate the Trustees of the Poor's Fund in the town of Charlestown.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. That James K. Frothingham and others, selectmen of the town of Charlestown, and Thomas Miller, Amos Tufts, and Matthew Skilton, deacons of the First Congregational Church, William Arnold and James Fosdick, deacons of the Baptist Church, Moses Hall, Daniel Tufts and Joseph Gould, deacons of the Universalist Church, Joseph Phipps and Elias Phinney, deacons of the New Church, all of said Charlestown, for the time being, and their successors in the said offices of selectmen and deacons, for the time being, be, and they hereby are, made a body politic and corporate forever, by the name of the Trustees of the Charlestown Poors' Fund, for the purpose of managing certain donations, given and bequeathed at different periods of time, by Richard Russell, Esq., Captain Richard Sprague, Mr. Thomas Call, and Richard Devens, Esq., all formerly inhabitants of the said Charlestown, and such other funds as may come into their hands for like purposes; and the said Trustees, by the name

aforesaid, may sue and be sued, prosecute and defend suits, with power of substitution, and may have a common seal, and the same may alter and renew at pleasure; and the two senior deacons of all regularly organized religious churches, which may hereafter be constituted in said town of Charlestown, shall be considered as members of said Board of Trust: *Provided*, that whenever any new society shall be constituted in said town, the Board of Trust shall be composed of the selectmen and two senior deacons from each church, for the time being, and their successors in said offices.

Sect. 2. *Be it further enacted*, That the said Trustees may choose a treasurer and other necessary officers, and may adopt all needful by-laws and regulations for the government of the corporation, not repugnant to the constitution and laws of this Commonwealth, and the same may alter as they may find expedient and necessary.

Sect. 3. *Be it further enacted*, That the said Trustees shall have full power to receive and hold all money, securities, and other estate, real or personal, now constituting the said Poors' Fund, and also to receive and hold all gifts, grants and donations, real and personal, that may hereafter be made to increase the said fund, and the same to manage and put on interest, and to apply the income thereof, annually, for the relief of the poor of said town forever, conformable to the true intent and meaning of the several donors: *provided*, *however*, that the annual income of said fund shall not exceed the sum of two thousand dollars.

Sect. 4. *Be it further enacted*, That the said Trustees shall have power to make sale of any of their property, real, or personal, purchased or given, as they shall judge most for the interest of their said trust, unless that which shall be given, be expressly otherwise appropriated by the donor; and all monies, arising from such sale, and the subsequent income, shall be applied to the same use, to which the property sold and the income thereof were respectively applicable; and all deeds, conveyances, contracts and other instru-

ments, duly authorized by the Board, at a regular meeting, and signed by the president, and attested by the secretary, shall be good and valid.

Sect. 5. *Be it further enacted*, That James K. Frothingham be, and he hereby is, authorized to call the first meeting of the Trustees, at such time and place as he shall think proper.

Passed June 18, 1825.

An Act to empower the inhabitants of the town of Charlestown to choose Assistant Assessors.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. That the inhabitants of the town of Charlestown may, at their annual meeting for the choice of town officers, or at any other meeting called for the purpose, divide said town into any number of wards, not exceeding six, and elect, annually, by ballot, from each of the said wards, one or more suitable persons to assist the assessors in taking a list of the rateable polls, in estimating the value of the personal property, and appraising the value of all real estates in said town.

Sect. 2. *Be it further enacted*, That said inhabitants may, at any time previous to choosing said assistant assessors, vote that they shall be chosen for that year, in distinct wards, in which case the town shall determine the number to be chosen from each ward, and the inhabitants of the said wards shall be separately assembled within twenty days afterwards, and within the limits of their respective wards, as follows, viz:—The town clerk shall issue a warrant for each ward, directed to one of the constables of said town, requir-

ing him to notify and warn all the inhabitants of that ward qualified to vote in town affairs, to assemble at the time and place therein specified, to choose a moderator and clerk, and such number of persons, by ballot, for assistant assessors, as the inhabitants of said town shall have agreed upon. And the several ward clerks shall be duly qualified for the discharge of their duties, and shall, within two days after such meeting, make return to the town clerk in writing, of the names of the persons so chosen; and they shall thereupon be notified of their election, and be qualified in the same manner as other town officers. And in case a vacancy, from any cause shall occur, among the persons chosen by either of the modes herein prescribed, the inhabitants of the ward where such vacancy shall exist, shall be assembled in manner aforesaid, for the purpose of filling the same.

Passed Feb. 22, 1826.

An Act authorizing the selectmen of Charlestown to appoint a Company of Hook and Ladder Men, and additional Engine Men.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.

Sect. 1. That the selectmen of the town of Charlestown, in the county of Middlesex, be, and they hereby are, authorized and empowered to appoint a company of hook and ladder men, consisting of not more than forty, whose duty it shall be, under the direction of the fire-wards in said town, to attend fires therein with fire-hooks, fire-sails and ladders, and to be subject to such further duties, and organized and provided in such manner as the said selectmen shall, from time to time, direct.

Sect. 2. *Be it further enacted*, That the said selectmen be authorized and empowered to appoint any number of En-

gine Men, not exceeding thirty-five, in addition to the number they are authorized to appoint by existing laws; and the Engine Men so appointed may be attached to any new Engine Company, which may be hereafter formed, or apportioned among any of the Engine Companies of said town, at the discretion of the selectmen; and all persons appointed to any company, pursuant to the provisions of this act, shall continue in office during the pleasure of said selectmen, and be entitled to all the privileges and exemptions to which Engine men now are, or may hereafter be, by law entitled.

SECT. 3. *Be it further enacted*, That the resolve authorizing the selectmen of Charlestown to appoint additional Engine Men, passed December seventh, one thousand eight hundred and sixteen, be, and the same is, hereby repealed.

Passed June 20, 1826.

An Act to establish a Fire Department in the town of Charlestown.

BE IT ENACTED by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

A Fire Department is hereby established in the town of Charlestown, subject to the duties and liabilities, and with the powers and privileges, and governed by the provisions of the act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine.

Passed Feb. 15, 1840.

An Act to annex a part of Charlestown to West Cambridge.

Passed Feb. 25, 1842.

An Act to incorporate the Town of Somerville.

Passed March 3, 1842.

APPROPRIATIONS AND EXPENDITURES

FROM 1846 to

	1850.	1849.	
	Appr.	Appr.	Exp.
Support of Schools,	25,000	28,700	28,680 97
Poor and Almshouse,	5,500	9,228 05	8,956 04
Fire Department,	5,725	5,831	5,742 40
Repairs of Streets,	3,500	3,875	3,736 35
Night Watch,	-	-	-
Lamps, &c., and Lighting Streets,	1,000	1,000	909 64
Health Department,	250	350	291 30
Reduction of Town Debt,	*5,500		
Interest on Town Debt,	-	-	-
Contingencies,	†3,000	6,441 65	6,424 41
Repairs of Bunker-Hill Street,	-	-	-
Filling under Prison Point Bridge,	-	-	-
Abatements from Taxes,	1,000	1,000	
Salaries of Officers,	5,025	5,650	5,637 50
Reservoirs,	1,000	400	381 74
Continuation of Bartlett Street,	-	-	-
Improvements of Old Burial Ground,	-	-	-
Drains and Sewers,	‡300	1,081 63	948 03
Police	-	-	-
Alterations in Warren School House,	-	-	-
Alarm Bell on Winthrop Schnol House,	-	-	-
Oil and Fuel,	1,900	1,900	1,804 84
Watch and Police,	4,000	4,125	4,072 26
Interest on Loans,	13,000	11,883 14	11,660 84
Sea Wall on Mystic River,	-	2,061 73	1991 86
Paving Henley Street,	-	-	-
Sidewalks & Gutters on Unpaved Streets,	1,000	1,200	697 37
Paving Streets,	-	-	-
Laying Out Streets,	1,000	5,652 52	5,285 80
Improvements of New Almshouse,	1,000		
Engine House (No. 1,) and Ward Room (3,)	3,500		

OF THE CITY OF CHARLESTOWN,

1850, INCLUSIVE.

1848.		1847.		1846.	
Appr.	Exp.	Appr.	Exp.	Appr.	Exp.
29,000	28,523 57	19,725	19,324 10	20,175	19,379 80
7,500	8,631 45	7,000	6,624 42	7,000	14,069 23
5,000	4,994 76	5,125	5,257 49	5,400	5,350 69
5,000	4,925 10	4,500	9,058 28	2,500	3,044 26
-	- - -	2,500	2,477 24	2,000	1,970 26
850	757 98	2,000	1,504 17	1,200	1,535 83
-	- - -	-	- - -	250	123 11
-	- - -	-	- - -	3,000	3,000 00
-	- - -	7,000	5,500 51	4,000	3,726 50
6,750	6,693 63	5,000	7,245 85	6,000	7,937 74
-	- - -	-	- - -	500	550 00
-	- - -	-	- - -	500	500 00
1,500	1,257 50	1,000		1,000	
5,100	5,085 37	5,450	4,400 93	2,500	2,826 08
2,000	1,697 72	2,000	1,831 07	1,200	1,307 93
-	- - -	-	- - -	2,200	2,200 00
-	- - -	-	- - -	500	430 82
1,800	1,741 81	1,000	659 75		
-	- - -		583 75		
2,100	2,075 00				
300	284 98				
2,700	2,318 63				
4,250	4,034 37				
1,677 80	11,677 80				
2,900	2,428 97				
725	723 33				
2,000	1,586 01				
4,500	3,830 27				
6,500	3,013 15				

* And all sums which may be received during the year from the sales of any of the City Lands.

† And the income of the City Property.

‡ And all Uncollected Assessments.

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